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# IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Report submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1986/20 of 10 March 1986

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CONTENTS


| | Paragraphs | Page |
|---|---|---|
| Introduction | 1 - 8 | 1 |
| I. MANDATE AND WORKING METHODS OF THE SPECIAL RAPPORTEUR | 9 - 14 | 2 |
| II. SPECIFIC INCIDENTS IN VARIOUS COUNTRIES EXAMINED BY THE SPECIAL RAPPORTEUR | 15 - 17 | 3 |
| China | 18 - 22 | 4 |
| Cuba | 23 - 24 | 24 |
| Egypt | 25 - 26 | 26 |
| El Salvador | 27 - 28 | 31 |
| Ethiopia | 29 | 32 |
| Greece | 30 - 33 | 33 |
| India | 34 | 38 |
| Indonesia | 35 - 36 | 38 |
| Iran (Islamic Republic of) | 37 - 38 | 40 |
| Iraq | 39 - 42 | 43 |
| Malawi | 43 | 63 |
| Malaysia | 44 | 63 |
| Myanmar | 45 - 47 | 64 |
| Pakistan | 48 - 49 | 78 |
| Romania | 50 | 85 |
| Saudi Arabia | 51 - 53 | 86 |
| Sri Lanka | 54 | 88 |
| Sudan | 55 - 60 | 89 |
| Switzerland | 61 - 62 | 96 |
| Syrian Arab Republic | 63 | 98 |
| Ukraine | 65 | 105 |
| United States of America | 66 - 67 | 106 |
| Viet Nam | 68 | 109 |
| The former Yugoslavia | 69 - 70 | 114 |
| III. CONCLUSIONS AND RECOMMENDATIONS | 71 - 92 | 115 |

## Introduction

1. At its forty-second session, the Commission on Human Rights decided, in resolution 1986/20 of 10 March 1986, to appoint for one year a special rapporteur to examine incidents and governmental actions in all parts of the world which were inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and to recommend remedial measures for such situations.

2. Pursuant to that resolution the Special Rapporteur submitted a first report to the Commission at its forty-third session (E/CN.4/1987/35). His mandate was extended for one year by Commission on Human Rights resolution 1987/15 of 4 March 1987 adopted at that session.

3. At its forty-fourth session, the Commission had before it a further report by the Special Rapporteur (E/CN.4/1988/45 and Add.1 and Corr.1) and it decided, by resolution 1988/55, to extend the Special Rapporteur's mandate for two years. At its forty-fifth session, the Special Rapporteur submitted his third report (E/CN.4/1989/44) to the Commission.

4. At its forty-sixth session, the Commission on Human Rights considered the Special Rapporteur's fourth report (E/CN.4/1990/46) submitted in conformity with the provisions of resolution 1989/44. During that session, the Commission decided, by resolution 1990/27, to extend his mandate for a further two years. At its forty-seventh session, the Special Rapporteur submitted his fifth report (E/CN.4/1991/56) to the Commission. The Special Rapporteur submitted his sixth report (E/CN.4/1992/52) to the Commission on Human Rights at its forty-eighth session. During that session, the Commission decided, by resolution 1992/17, to extend his mandate for an additional three years.

5. The report which follows is submitted to the Commission on Human Rights at its present session in accordance with the provisions of paragraph 14 of resolution 1992/17 of 21 February 1992.

6. In chapter I, the Special Rapporteur recalls the terms of his mandate and their interpretation, and describes the working methods he used in preparing this seventh report.

7. Chapter II concerns the activities of the Special Rapporteur during the present reporting period. It contains allegations duly transmitted to the Governments concerned regarding situations which were said to depart from the provisions of the Declaration as well as the comments formulated in that regard by Governments. In order to be able to submit his report in time for the forty-ninth session of the Commission on Human Rights, the Special Rapporteur has not been able to take account of communications received after 15 December 1992. They will, however, be included in the report which he will submit to the Commission at its fiftieth session, in 1994.

8. Lastly, in chapter III the Special Rapporteur submits conclusions and recommendations based on his analysis of the information available on the numerous infringements of the rights set out in the Declaration during the period covered by this report and on the study of measures which could contribute to preventing intolerance and discrimination based on religion or belief.

## I. MANDATE AND WORKING METHODS OF THE SPECIAL RAPPORTEUR

9. In his previous reports, the Special Rapporteur included considerations on the subject of his interpretation of the mandate entrusted to him by the Commission on Human Rights (E/CN.4/1988/45, paras. 1-8; E/CN.4/1989/44, paras. 14-18). He particularly stressed its dynamic nature. He therefore considered it necessary in the initial phase to set out the elements of the problem before him and in so doing to identify factors which might be an impediment to the implementation of the provisions of the Declaration; to make a general inventory of incidents and measures inconsistent with those provisions; to emphasize their adverse consequences in respect of the enjoyment of fundamental rights and freedoms; and to recommend a number of remedial measures.

10. In the second phase, the Special Rapporteur deemed it useful to take a more specific approach and to endeavour to identify more precisely particular situations where inconsistencies with the provisions of the Declaration might have been reported. For this purpose he specifically approached a number of Governments and requested clarification of allegations concerning their country in particular. He noted with satisfaction that most of the Governments in question had replied. He deems it essential at the present stage to continue with and to develop this dialogue, which clearly demonstrates a genuine interest in the issues raised in the context of his mandate, and sustains the hope of further mobilization with a view to reaching a solution.

11. This method of direct dialogue with Governments, used experimentally during his previous mandates, has been backed up to some extent during the last five years by the actual terms of Commission on Human Rights resolutions 1988/35, 1989/44, 1990/27, 1991/48 and 1992/17, adopted at the forty-fourth, forty-fifth, forty-sixth, forty-seventh and forty-eighth sessions. They invite the Special Rapporteur "to seek the views and comments of the Government concerned on any information which he intends to include in his report". In his previous two reports, the Special Rapporteur has included the answers provided by Governments to a questionnaire which he addressed to them on 25 July 1990. The questions appearing in it were selected in the light of the dialogue which the Special Rapporteur has been able to establish with many Governments since taking up his mandate and reflect aspects which, in his opinion, call for clarification. His analysis of the answers was included in the report (E/CN.4/1992/52, paras. 93-164) which he presented to the Commission on Human Rights at its forty-eighth session.

12. The Special Rapporteur welcomed the decision of the Commission in resolution 1992/17 to extend his mandate for an additional three years. He considers that the decision has enabled him to develop further his dialogue with Governments and to offer them additional opportunities of providing their comments on issues raised or on particular allegations transmitted to them. This will enable him to present a more comprehensive analysis to the Commission at the end of the three-year period of his mandate.

13. As in his previous reports, the Special Rapporteur has endeavoured, as the terms of Commission on Human Rights resolution 1992/17 require, to respond effectively to credible and reliable information coming before him, and to

carry out his work with discretion and independence. In order to do so, he has drawn on a very broad range of governmental and non-governmental sources, of very varied geographical origins, stemming both from organizations and from individuals. Among such sources, the Special Rapporteur has endeavoured to take due account of information from religious groups and denominational communities. He has given priority to the use of recent information for the period since the submission of his previous report to the Commission; however, particularly in the case of situations mentioned for the first time, or in order to take account of problems the origins or at least the manifestations of which go back a number of years, he has sometimes made use of earlier information and referred to it.

14. Given this multiplicity of responsibilities, the dialogue established with Governments by the Special Rapporteur and the transmission of allegations concerning their countries in no way implies any kind of accusation or value judgement on the part of the Special Rapporteur, but rather a request for clarification with a view to trying to find, along with the Government concerned, a solution to a problem which goes to the heart of human rights and fundamental freedoms.

## II. SPECIFIC INCIDENTS IN VARIOUS COUNTRIES EXAMINED BY THE SPECIAL RAPPORTEUR

15. The Special Rapporteur addressed specific requests to a number of Governments, in accordance with the provisions of paragraph 11 of Commission on Human Rights resolution 1992/17 which invites the Special Rapporteur "to seek the views and comments of the Government concerned on any information which he intends to include in his report," and with the provisions of paragraph 12 which calls upon Governments "to cooperate with the Special Rapporteur, inter alia, by responding expeditiously to requests for such views and comments". In these specific communications the Special Rapporteur requested any comments concerning information on situations which seemed to involve a departure from the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, particularly those dealing with the enjoyment of the right of freedom of thought, conscience and religion (arts. 1 and 6); the prevention, elimination and prohibition of discrimination and intolerance on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms (arts. 2-4); and the right of parents to organize the life within the family in accordance with their religious beliefs and the right of children to have access to a religious education in accordance with the wishes of their parents, as well as the right of children to be protected from any form of discrimination on the grounds of religion or belief (art. 5).

16. As of 15 December 1992, the following Governments had replied to the specific communications transmitted to them by the Special Rapporteur during 1992: Iraq, Myanmar, Saudi Arabia, Sudan.

17. In addition, following specific communications transmitted to Governments during 1991, the Special Rapporteur received, after the finalization of his report to the Commission on Human Rights, at the end of 1991 and in 1992 replies from the Governments of China, Cuba, Greece, Indonesia, Iraq, Sudan, Switzerland, Syrian Arab Republic, United States of America. Both the specific communications and the replies to them are included in this report.

China

18. In a communication sent on 31 October 1991 (E/CN.4/1992/52, para. 22), addressed to the Government of China, the following information was transmitted by the Special Rapporteur:

"According to the information received, the procedures for finding reincarnations of monks in Tibet will be conducted by a committee organized by the authorities. These regulations would violate an ancient religious tradition and are said to directly affect the search for the reincarnation of the Panchen Lama whose successor would have to be approved by the State Council. According to the sources, the following regulations with regard to searching for reincarnations have recently been established:

1. The search must be conducted under the leadership and guidance of the Chinese Communist Party;

2. The reincarnation must be found within Chinese territory, not in a foreign country;

3. The reincarnation must be determined and recognized by Lamas who remain in China. Those who live abroad have no right to either determine or recognize a reincarnation;

4. Reincarnations must not be found in the families of Communist Party Members.

It has also been alleged that the following new criteria for the selection of abbots in Tibet have also been established:

1. Educational level;

2. Leadership ability;

3. Approval of the monastery's Democratic Management Committee (whose membership is said to be chosen or approved by the authorities);

4. Approval of the Prefecture Religious Bureau.

The Special Rapporteur has been informed that national legislation governing religious affairs concerning Tibetans has been adopted and would greatly appreciate receiving the text of this law. He would also be very grateful to obtain a copy of the provincial law on religious activity in Tibet as well as the 'Rules for Democratic Management of Temples' which were enacted

by the People's Congress of the Tibetan Autonomous Region. In addition, he would also like to acquaint himself with the activities of the Tibetan Buddhism Guidance Committee.

It has been alleged that a report concerning basic policy on religious affairs produced in February 1991 in the Ganze prefecture of Sechuan province states that 'Freedom of religious belief is a long-term policy which will prevail until the natural extinction of religion', adding that '...we are not totally ready for the natural extinction of religion, and we must make a long-term effort'. The report states, inter alia, '...all the people living in Ganze prefecture knew that among the 80,000 people living in Ganze prefecture, 76 per cent are Tibetans, the majority of whom believed in Tibetan Buddhism, and there is a thousand years of history (of them believing in it). From here we can see very clearly that we must have a good nationality relationship in order to carry out the policy of freedom of religious belief'.

It has been said that the report further indicates that 'We must remember the lessons we have learned from the past when we adopted simplistic and forceful methods to extinguish religion and eventually got just contrary to what we had expected.' The report allegedly also states that 'To protect proper religious activities, it is also necessary for the masses of religious people and monks to do according to the party's religious policy. Religious activities and religious lives can only be developed and carried out within the scope of the permission of the policy and law', adding 'Of course, to undertake religious activities outside the religious site is abnormal, and must be forbidden.' It is also said to indicate that 'Religious professionals are responsible for liaising with the religious masses to manage religious affairs and keep them in order, and to preserve monasteries, especially those monasteries which have been listed as important cultural units.' It reportedly prescribes that 'We must bear in mind the reality of the masses of people in our prefecture. They have just been living a reasonably well-off life, and therefore we must advise them on not to donate too much money to religion, and not to start big constructions, in order to avoid waste of manpower, etc.' The report allegedly states further that 'It should be pointed out specially that the regulation on forbidding young people under 18 years of age to be religious was not seriously carried out in some areas. It is not allowed and (is) a violation of the policy to seduce young people into religion by taking advantage of their inexperience and inability to tell right from wrong.' The report is said to conclude by indicating that 'It is obvious, therefore, that it is a long-term, not-ending-until-the-natural-extinction-of-religion enduring work to continue to propagate the religious policy to the masses, especially the religious people, to raise their level of self-consciousness.'

It has been reported that the Monlam (Great Prayer) Festival has been banned for the third consecutive year and that the streets in the Barkor area of Lhasa which are used for circumambulation of the Jokhang Temple were dug up during this period. It has also been reported that on this occasion a 24-hour curfew had been placed on monasteries near Lhasa from 1 to 11 March 1991 and that units of the People's Armed Police (Wu Jing) of up to 100 men sealed off the monasteries, thus preventing about 900 monks from leaving the monasteries of Drepung, Ganden and Sera. It has been alleged that a monk had been shot and wounded in the abdomen by the armed police on 1 March 1991.

It has further been reported that monks who were expelled from monasteries, imprisoned and subsequently released and confined to their areas of origin are obliged to report to the local police authorities every seven days. They allegedly cannot leave the area without official permission and in the event that it is granted must return within seven days. These restrictions are said to be imposed for indefinite periods. If allowed once again to join a monastery, the monks are confined to the monastery area and required to report to the police every seven days. The reporting sessions are said to last an hour and include requests for information about other monks in the monastery. Monks are reportedly also restricted with regard to which monastery they may receive education from.

Pilgrims visiting these monasteries are reportedly searched and special approval by the authorities is said to be required for the performance of religious ceremonies and rituals which are said to be limited mainly to outward manifestations such as circumambulation and prostration. It has been reported that the authorities have decreed that only 'normal' religious practices are allowed and only within specified buildings. All administrative decisions are said to be made by local officials, thus depriving the monastic officials of all authority.

It has further been alleged that in February and May 1991 all monks and nuns in the principal religious institutions of Lhasa were confined by the authorities to their quarters for periods of up to two weeks and that permanent police teams were moved into these institutions. The admission of new monks and nuns has allegedly been banned. The numbers of teachers who are able to impart doctrine is said to be very small and declining. For example, it has been alleged that there were only two qualified teachers holding the geshe degree for 400 monks in Ganden monastery. There are allegedly only 35 holders of the geshe degree at Sera monastery, all of whom received their degrees more than thirty years ago. This is said to result in a significant generation gap between the novices and learned monks. As a result, only a small number are said to have reached the intermediate level of training, especially since monks are reportedly only permitted to debate two hours each day. The Special Rapporteur was also informed that four Tibetan monks had been sentenced to an average of 15 years' imprisonment in November 1989 for translating the Universal Declaration of Human Rights.

According to the sources, severe restrictions on travel both inside the country and abroad were imposed as of 27 September 1990, in anticipation of the Kalachakra religious initiation ceremony which was to be held in December in India. Local authorities are said to have received an 'Instruction on Doing Correctly the Work of Dissuading the Masses from Leaving the Country', with a view to discouraging people from attending this important Buddhist ceremony. It has been alleged that the orders specifically concerned persons who are leaving the country 'to hear prayers'. It has also been alleged that persons who had travelled abroad to attend the Kalachakra ceremony have been arrested upon return and imprisoned for six months.

The Special Rapporteur has been informed of the arrest of the following monks who are currently said to be detained in Drapchi prison. Since no reasons for their arrest were reported, the Special Rapporteur would be grateful if the Government could provide information with regard to the

section of the Criminal Code under which they have been charged as well as the circumstances surrounding their arrest (the names are provided in the common phonetic transliteration):

| | | |
|---|---|---|
| 1. | Lobsang Tsultrim, aged 75 | Drepung monastery |
| 2. | Khyentse Legdrug, aged 27 (Lay name: Phurbu Tsering) | Namrab Dag monastery |
| 3. | Ngawang Rangdrol, aged 20 | Samye monastery |
| 4. | Lobsang Yeshe, aged 26 | Ganden monastery |
| 5. | Lobsang Choejor, aged 32 (Lay name: Chunjor) | Ganden monastery |
| 6. | Lobsang Tashi, aged 28 (Lay name: Chungdak) | Ganden monastery |
| 7. | Lhundrub Gaden (or Kelden), aged 22 (Lay name: Tashi) | Ganden monastery |
| 8. | Thubten Tsering, aged 64 | Sera monastery |
| 9. | Ngawang Tenzin, aged 21 (Lay name: Nyima) | Kyormolung monastery |
| 10. | Ngawang Shenyen, aged 25 (Lay name: Phun Dorje) | Kyormolung monastery |
| 11. | Ngawang Rabsang, aged 18 (Lay name: Norbu) | Kyormolung monastery |
| 12. | Thubten Namdrol, aged 63 | Draraludrag monastery |

In addition, the Special Rapporteur's attention was drawn to the cases of arrest of the following members of the Christian clergy:

1. Su Zhimin, aged 58, Roman Catholic Vicar-General of Baoding, reportedly arrested on 17 December 1989 and sentenced on 21 May 1990 by the Baoding City Labour Re-education Administrative Committee to three years of re-education through labour, reportedly for taking part in the Chinese Bishops' Conference held in Sanyuan in November 1989. He is said to have been accused of 'taking part in illegal activities' and was allegedly sent to the labour camp near Tangshan city, Hebei province.

2. Father Francis Wang Yijun, aged 75, Vicar-General of Wenzhou, reportedly sentenced by the Labour Re-education Administrative Committee of Wenzhou City People's Government to three years of re-education through labour on 5 February 1990, the day on which he completed his eight-year prison term because of his religious convictions. It has been alleged that the new sentence is to run from 20 March 1990 to 19 March 1993.

3. Xu Guoxing, aged 36, Protestant preacher from Shanghai, reportedly arrested on 6 November 1989 for having 'seriously interfered and damaged the regular order of religious activities'. The Shanghai Municipal Public Security Bureau sentenced him to three years of re-education through labour on 1 November 1989. His sentence is to run from 6 November 1989 to 5 November 1992.

4. Liu Qinglin, aged 59, Protestant evangelist from Moguqi, reportedly arrested in July 1989 and sentenced to three years of re-education through labour because he carried out religious activities without official approval."

19. On 9 January 1992 the Permanent Mission of the People's Republic of China transmitted the following information to the Special Rapporteur with regard to the above-mentioned allegation (E/CN.4/1992/52, para. 22):

"(a) Concerning China's religious policy:

The basic policy of the Chinese Government towards religion is to respect and protect the freedom of religious belief. This is as prescribed in Article 36 of the Constitution of the People's Republic of China. The implicit meaning of this policy is this: every citizen has the freedom to believe, or not to believe, in a religion; the freedom to believe in such or in another religion; or within the same religion, the freedom to believe in such or in another sect; and, finally, the freedom not to believe in the past but to believe at present, as well as the freedom to believe in the past but not to believe at present. The substance of this policy is to make the question of the religious belief into one of freedom of choice, in other words, to make it the private business of each citizen. The Chinese Government undertakes to respect and protect, under law, the right to freedom of religious belief and the legitimate concerns of normal religious activities and organizations.

Whether or not they are religious, all citizens of China enjoy the same rights and carry the same duties. All religions in China have the same status, there being no dominant religion in the country.

The Chinese Government treats all religions equally. No one in China is persecuted for his or her religious belief. According to Article 147 of China's Penal Code, any official who abuses the normal freedom of religious belief of a citizen or who violates the customs and traditions of an ethnic minority, depending on the seriousness of the offence, may face up to two years of imprisonment or penal servitude.

The Constitution of the People's Republic of China further stipulates: 'No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the State. Religious bodies or religious affairs are not subject to any foreign domination.' This has in mind that a few persons have used religion to swindle, seduce, endanger health, disrupt normal public order and even engage in subversion, for which they have received criminal or administrative penalty. For such is no longer a question of religion or religious belief. Anyone found violating the law shall be judged according to law.

(b) Concerning some clergy, their situation has been looked into and ascertained as follows:

- Su Zhimin, a Catholic of Qingwan county, Hebei province, was found to have conspired to form an illegal organization and hold an illegal mass rally to disrupt social order in violation of the Constitution of the People's Republic and the Regulations on Registration for Social Bodies. He was ordered in December 1989 to undergo three years of education through labour;

- Wang Yijun, formerly a Catholic priest from Changnan county, Zhejiang province, was found to have printed and distributed pamphlets propagating the forcible overthrow of the Government in violation of the Penal Code of the People's Republic. He was ordered in March 1990 to undergo three years of education through labour;

- Xu Guoxing, a protestant from Shanghai, was found to have conspired to form an illegal organization to disrupt social order in violation of Regulations on Registration for Social Bodies. He was ordered in June 1989 to undergo three years of education through labour;

- Liu Quinglin, a protestant from Zhalantun township in Hulun Buir Meng, Inner Mongolia, was found to have used quack medicine to swindle the superstitious, inadvertently causing the deaths of two persons in violation of the Penal Code of the People's Republic. He was ordered in June 1988 to undergo three years of education through labour.

(c) Concerning Tibet, the case cited is still under investigation.

(d) The relevant legal provisions requested by you are being collected and prepared by the departments concerned."

20. On 28 January 1992, the Permanent Mission of the People's Republic of China transmitted the following information to the Special Rapporteur with regard to the part of the allegation concerning members of Christian clergy which he had sent on 15 June 1990 (E/CN.4/1991/56, para. 48):

"It has been reported that a number of Roman Catholic priests have been arrested in several provinces of northern China. The arrests were said to be connected with the implementation of new policy directives issued by the authorities in February 1989 in a document entitled 'Strengthening Catholic Church Work in the Present Situation'. It was reported that according to the document, Catholics who remain loyal to the Vatican and carry out religious activities outside the Government-organized Church should be 'severely dealt with in accordance with the law'.

The following cases of arrest of Roman Catholic priests have been reported:

1. Liu Shuhe, a 69 year-old bishop from Hebei province, is reported to have been detained since November 1988, allegedly without charge.

2. Pei Konggui, a Trappist monk of Hebei province, was reportedly arrested in Beijing on 3 September 1989 after administering the last rites in a Catholic's home.

3. Liu Guangdong, Peter, Bishop of Yixian diocese in Hebei province, was allegedly arrested on 26 November 1989.

4. Li Side, Joseph, Bishop of Tianjin diocese, is reported to have been arrested at his home during the night between 8 and 9 December 1989.

5. Anthony Zhang, a parish priest, was reportedly arrested in Shaanxi province on 11 December 1989.

6. Matthias Lu Zhensheng, Bishop of Tianshui, Gansu province.

7. Barthélémy Yu Chengti, Bishop of Hanzhong, Shaanxi province.

8. Philipp Yang Libo, Bishop of Lanzhou, Gansu province.

9. Joseph Fan Xueyan, Bishop of Baoding.

10. Bishop Guo Wenzhi was reportedly arrested in Qiqihar, Heilongjiang, on 14 December 1989.

11. Lieu Guangdong, Bishop of Yiuina, Hebei province, and Li Side, Bishop of Tianjin, have reportedly also been taken into custody.

..."

"1. Respecting and protecting freedom of religious belief is the Chinese Government's basic policy towards religion. Article 36 of the Chinese Constitution stipulates this clearly. The implications of this policy are that every citizen enjoys the freedom to believe in a religion and the freedom not to; within any given religion, he enjoys the freedom to believe in a particular denomination and the freedom not to; he enjoys the freedom not to have believed in the past but to do so now, and the freedom to have believed in the past but not to do so now. The essence of the policy is that whether to practise a religion is a matter which each citizen is free to decide and is his private business. The Chinese Government respects and protects citizens' right to freedom of religion and the lawful rights and interests of normal religious movements and associations in accordance with the law.

In China, religious and non-religious citizens are treated alike in political and legal matters, and all have the same rights and obligations. All religions are treated equally: there is no dominant religion. The Chinese Government is equally well disposed towards all of them. No one in China has been subjected to persecution for his religious beliefs.

Article 147 of the Penal Code states that if a State employee unlawfully deprives a citizen of his normal freedom of religious belief or violates the customary practices of an ethnic minority and the case is grave, he shall be liable to up to two years' imprisonment or forced labour.

The Constitution and laws also stipulate that 'no one may use religion to promote activities detrimental to the social order, injurious to citizens' health or liable to hamper the State educational system. Religious groups and activities may not be controlled by foreign powers'. A small number of people, using religion as a pretext, embezzle money, seduce women, endanger people's health and disrupt the normal social order - even engaging in anti-Government activities; these are subject to criminal or administrative penalties. But this has nothing to do with religion or religious belief: anyone who breaks the law must be dealt with as the law dictates.

2. Upon inquiry, the circumstances of the clergy you refer to in your letter prove to be as follows:

Pei Ronggui, from Luancheng County, Hebei, a Catholic. Was sentenced to five years's imprisonment in May 1989 for severe disruption of the social order and violation of the Chinese Penal Code.

Li Side, from Tianjin, formerly a Catholic priest. He was committed for three years' re-education through labour in November 1989 for conduct violating the Chinese Constitution and the regulations governing the registration of public associations.

We are looking into the other cases at the moment."

21. On 6 February 1992 an additional reply from the Permanent Mission of the People's Republic of China was transmitted to the Special Rapporteur with regard to the allegation contained in his communication of 31 October 1991 (E/CN.4/1992/52, para. 22):

"1. Identification and approval of the reincarnation ('Soul Boy') of a living Buddha

The reincarnation of living Buddhas is a feature peculiar to Tibetan Buddhism which began in the thirteenth century A.D. and thus dates back over 700 years. Over the centuries a basic tradition and religious ritual for the identification of the Soul Boy has evolved in Tibetan Buddhism; successive central Governments have devised an entire procedure for dealing with the matter, which has become a convention. Taking the reincarnation of major living Buddhas, such as the Dalai Lama and Panchen Lama, as an example, the procedure basically runs as follows: (1) upon the passing to another world of a living Buddha, the site where his Soul Boy will be born is determined by reference to prophesies made before the deceased Buddha's birth and omens and oracles at the time of his death; (2) members of the monastery where he lived are dispatched to that area to make secret inquiries and select children who are likely candidates for the Soul Boy; (3) the children selected are asked to identify objects that belonged to the deceased in his former life, or are examined by his acolytes; (4) the children identified by this screening are notified to the central Government and, with its approval, proceed to draw lots from the golden bottle (Penba); (5) the Soul Boy identified by the drawing of lots may, with the approval of the central Government, assume the title of Dalai Lama, Panchen Lama or other living Buddha and undergo the enthronement ceremony. The fourteenth Dalai Lama (1935- ) and the tenth Panchen Lama (1939-1989) were both approved by the central Government in

this way, in February 1940 and August 1949 respectively, before assuming office. The Chinese Government treats the religious ritual, tradition and historical convention associated with the present-day identification of reincarnations of Tibetan living Buddhas, and the activities of the various monasteries and temples involved, with the utmost respect. The passing to another world of the Panchen Lama and the search for his Soul Boy are being handled in precisely this manner. The claim in the annex to your letter that this violates ancient religious tradition is incorrect.

2. The search for the Soul Boy within China

Throughout history, the search for the Soul Boys of Tibetan living Buddhas has invariably been conducted within the regions inhabited by the Tibetan Buddhist Zang, Mongolian and other Chinese ethnic minorities. Hence it is quite normal for the current search to be carried out within the country.

3. The 'banning of the Great Prayer Festival for the third consecutive year'

Suggestions of this sort are quite at variance with reality. The Permanent Mission of China in Geneva sent a letter to the Special Rapporteur on religious matters in December 1990 giving a full account of this topic; it was incorporated into his report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/56, p. 81 of the English text).

4. The claim that 'pilgrims are searched'

That citizens of the People's Republic of China enjoy freedom of religious belief as one of the civil rights enunciated in the Chinese Constitution.

Respecting citizens' freedom of religion and protecting normal religious activities is the basic and consistent policy of the Chinese Government on religious matters. The Government has never interfered in or restricted the religious rites observed at Tibet's many monasteries or the Buddhist activities of the religious masses. Nowadays hundreds of thousands of ethnic Tibetans and over 10,000 foreign pilgrims and tourists annually visit monasteries all over the country. There are no 'searches of pilgrims'.

5. The claim that 'four monks were imprisoned for translating the Universal Declaration of Human Rights'

The Chinese Government regards the Universal Declaration of Human Rights as the prime international instrument specifically and systematically promoting and protecting basic human rights. Despite its historical limitations, the Declaration has made a positive contribution to the development of the post-war international human rights movement. Many Chinese publications have translated and printed it. The claim that four Tibetan monks were sent to prison in November 1989 for translating the Declaration is absolutely unfounded.

6. The cases of the Tibetans listed in the Special Rapporteur's communication

Upon investigation, it transpires that the Chinese Government has already replied to inquiries about some of the Tibetans on the list and the replies were incorporated into your report to the Commission on Human Rights at its forty-seventh session. The remaining names are now being investigated by the appropriate Chinese ministries."

22. In a communication sent on 18 November 1992 addressed to the Government of China, the following information was transmitted by the Special Rapporteur:

"Information concerning Buddhists

The Special Rapporteur has continued to receive information concerning the exercise of the freedom of religion in Tibet which reportedly remains subjected to the control of the authorities through the Religious Affairs Bureau, the Tibetan Buddhist Association and the Democratic Management Committees. Religious practice is reportedly still reduced to superficial ritualistic manifestations of faith such as prostration, circumambulation of holy places, flying of prayer flags and the spinning of prayer wheels. Pilgrimages to religious sites have also been restricted and the Monlam Prayer Festival has remained prohibited since 1989. The practice of Buddhism continues to be restricted to monasteries and places officially designated for worship and the teachers allowed to give public teachings within monasteries and nunneries are carefully selected.

In February 1991, the Party Central Committee and the State Council are reported to have jointly issued Document No. 6 on 'Making Further Progress on Certain Problems in Religious Work'. It refers, inter alia, to the 'implementation of laws, regulations and policies concerning religion through which the Government exercises administrative management and supervision over it.', adding: 'The patriotic religious organizations and the professional religious personnel are responsible for supervising them in accordance with the principles of democratic management. ... Approval of the People's Government above the county level must be obtained in order to open new places for religious activity'. As concerns foreign religious bodies or individuals, they are not 'permitted to establish a business office, build churches and temples or carry out missionary activity in our country' and any agreement on cooperation that may be signed 'should not contain articles permitting missionary work'. The approval of the State Council is required for participation in 'a prominent activity overseas'. The document stipulates in addition that 'if important and influential religious persons come to China to visit or for tourism, the Affairs Bureau should be notified'.

The patriotic religious organizations, 'should accept the leadership of the party and Government', which would 'help them to solve problems connected with the carrying out of their work, such as office space, expenses, and the difficulties in some places concerning the livelihood of religious professionals'. In addition, the authorities would 'help them to train in a planned and organized way a band of religious professionals who fervently love

the motherland, accept the party's leadership, persevere in following socialism, safeguard national and ethnic unity, have religious knowledge and are adept at contacting religious believers'.

In Chapter VI entitled 'Strengthen the Party's Leadership over Religious Work', it is stated, inter alia, that 'It is not permitted for published works which touch upon religion to violate the party and Government's religious policy ...'. In addition, 'Communist Party members may not believe in religion, nor may they participate in religious activities. Party members should be helped 'to acquire a correct world view, to draw clear boundaries between atheism and theism and to affirm their faith in communism. For those who persist in their ways, encourage them to withdraw from the party.'

The Special Rapporteur was informed that major monasteries continue to be administered by Work Inspection Units and Democratic Management Committees, which are even involved in the process of selecting abbots, while permanent police stations have continued to be maintained in larger monasteries such as Drepung, Ganden and Sera. In addition to a declining number of students, it has been alleged that the number of qualified teachers able to impart doctrine is also very small and on the decline. It has been reported, for example, that the Ganden monastery near Lhasa which has a population of 400 monks has only two fully qualified teachers (Geshe Lharampa). It has further been alleged that between 1990 and 1992, the number of monks at the Draghla Lhubuk temple has been reduced from 25 to 2. In addition, it has been alleged that in many monasteries there is insufficient time to engage in religious study because of the burdensome work requirements imposed by the monastery Democratic Management Committees which reportedly require monks and nuns to work eight hours a day, six days a week. This practice is said to have engendered a new category of monks known as Lalang whose tasks may include farming, animal husbandry and trading.

Monasteries and nunneries reportedly continue to receive quotas for novices and have not been able to accept any new ones since 1988. Although monks and nuns would traditionally join a monastery at the age of seven or eight, the induction of novices below the age of 18 is now prohibited by law. Candidates must reportedly have some and at times all of the following nine qualifications:

1. Be at least 18 years old.

2. "Love" the country and the Communist Party.

3. The candidate's parents must give their consent.

4. The candidate and the candidate's parents should have a good political background.

5. The candidate must have been raised in a certain geographic area.

6. Approval from the monastery's Democratic Management Committee.

7. Approval from local authorities.

8. Approval from country or provincial authorities.

9. Clearance from the Public Security Bureau.

The Special Rapporteur has been informed that monks and nuns have continued to be arrested and detained. He was also informed that on 29 September 1991, the authorities announced at a public meeting in Lhasa that the police and army had been authorized to shoot persons taking part in demonstrations or putting up unauthorized posters. The following monks and nuns are among those who have been arrested in 1991 and 1992, mostly during demonstrations:

March 1991

- Four monks from Drepung monastery believed to be held in Gutsa prison were arrested in connection with the hoisting of the Tibetan flag on the monastery roof on 10 March: Ngawang Chime (22) and Ngawang Denchoe (24) on 21 March; Ngawang Samten (22) and Ngawang Phuntsok (25) on 29 March;

- Five monks from Dingkar monastery: Ngawang Soepa (28), Kelsang Gyaltsen (25), Ngawang Tsundu (26), Ngawang Legshe (22) and Ngawang Namgyal (22) were arrested around 3 p.m. on 17 March and are reportedly detained in Drapchi prison, having received prison sentences ranging from three to six years (18 and 23 March were also cited as possible dates of arrest);

April 1991

- One nun from Gari nunnery was arrested on 30 April in the Barkhor when she staged a solitary demonstration;

- One monk from Dingkar monastery, Penpa (Ngawang Ludrup) (22), was reportedly arrested in April;

May 1991

- Two monks from Samye monastery, Sherab and Lhagyal, both aged 21, were arrested for participating in a demonstration;

- One monk from Sera monastery, Ngawang Gyaltsen, was arrested on 3 May;

- Eight monks from Sera monastery were arrested around 1.20 p.m. on 26 May as they were marching from the Ramoche to the Jhokhang Temple (one of the monks was reportedly stabbed): Lobsang Delek (22), believed to be detained in Sangyip prison, Lobsang (Topchu) Thabkhe (25), Lobsang Lhudrup (23), Kunkyab (19), Lobsang Nyima (24), Thupten (23) and Tsetan (Tsering) Tashi (or Phuntsok Tsungme) (20), all believed to be detained in Gutsa prison;

June 1991

- Four (or seven) monks were reportedly arrested on 2 June for displaying the Tibetan flag;

- Twelve nuns were reportedly arrested on 9 June; the following specific names were given concerning nuns from Gari nunnery believed to be detained in Gutsa prison: Ngawang Namdrol (19), Gyaltsen Lhochoe (22), Gyaltsen Dolma (17), Gyaltsen Pema (18) and Ngawang Lhamo (18);

- Four nuns from Tsamkhung nunnery were reportedly arrested in Lhasa in June: Ngawang Lhamo (22), Tsamchoe (23), Ngawang Yangchen (25), Karma (24);

- Four other nuns from Tsamkhung nunnery were reportedly arrested on 10 June: Karma Choedon (22), Phurbu Choedon (22), Tsamchoe (22) and Ngawang Wangmo (23);

- Two nuns were arrested during a demonstration on 27 June in Lhasa;

- Five nuns from Chupsang nunnery were arrested in June and are believed to be detained in Gutsa prison: Gyaltsen Ngodup, Phentog, Gyaltsen Dhamchoe, Tashi Dolkar, Tsultrim Sangmo;

July 1991

- Three nuns aged between 18 and 25 were arrested in Lhasa on 19/20 July;

August 1991

- One monk from Sera monastery, Kelsang Phuntsok (21), was arrested on 4 August and is believed to be detained in Gutsa prison;

- One monk and one nun, Phuntsok Tseyang, from Mijungri nunnery were arrested by members of the Public Security Bureau in Lhasa on 14 August;

- Five nuns from Chupsang nunnery: Gyaltsen Ngodup (24), Ngawang Youdron (23), Ngawang Tseten, Gyaltsen Dhamchoe and Tsultrim Zangmo were arrested on 19 August;

- Six nuns from Tsamkhung nunnery were reportedly arrested on 27 August in Lhasa and are detained in Gutsa prison, having received prison sentences ranging from one to three years: Tenzin Choedon (29), Phurbu Choedon (22), Ngawang Yangdol (18), Pema Choedon (20), Jampal Sangmo (19) and Karma Choedon (21);

- Four monks from Drepung monastery were also arrested in August: Ngawang Ludrup, Jampel Nyima, Ngawang Zangpo and Ngawang Gomchen;

September 1991

- One nun from Chupsang nunnery, Tendrol, was arrested on 2 September for demonstrating in the Norbulingka, expelled from the nunnery and sentenced to three years' imprisonment;

- Two monks, Phuntsok Samten (24) and Tsering Dhondup (20), were arrested on 4 September and are detained in Gutsa prison;

- Two monks from Drepung monastery, Ngawang Rigsum (17) and Ngawang Dawa (17), were arrested in Lhasa;

- Four monks from Sera monastery were arrested on 10 September: Ngawang Ngonga (16), Ngawang Thuchen (19), Ngawang Jigme (17) and Phuntsok Dhondup (17);

- Five monks believed to be from Drepung monastery were arrested and severely beaten in Lhasa on 14 September;

- Four monks from Drepung monastery were arrested on 27 September;

- One nun from the Toelung Dechen district of Lhasa, who does not belong to any monastery, was arrested and severely beaten on 30 September;

- One monk was bayonetted and reportedly later died in September;

- The following 15 monks were reportedly arrested between May and September in Lhasa and are believed to be detained in Gutsa prison: Ngawang Gomchen (19), Ngawang Lhudup (32), Ngawang Sangpo (27), Choephel (17), Ngawang Wangchuk (or Buchung Ghenpa, 16), Jampa (17), Penpa (18), Tsawa Khampa (15), Tenzin (16), Jampal Phuntsok (25), Ngawang Rabjor (21), Phuntsok Thutob (17), Ahjo (15), Buchung (15) and Jampal Nyima (26);

October 1991

- Four monks demonstrated on 1 October in the Barkhor in Lhasa and were arrested and severely beaten by the police; it is feared that they may have died as a result;

January 1992

- A small group of monks and nuns are believed to have been arrested on 1 January;

- Two monks from Serkhang monastery were reportedly arrested in Phenpo in January and are believed to be detained in Gutsa prison: Ngawang Yeshe (22) and Yeshe Jamyang (19);

- Two monks from Dhopung Choekhor monastery in Chidhe were reportedly arrested in March: Migmar (20) and Shilog (33);

February 1992

- Five nuns from Mijungri nunnery were reportedly arrested on 3 February in Lhasa: Lobsang Dolma (22), Tinley Choezom, Lobsang Choedon, Sherab Ngawang (12) and Lobsang Dolma; one monk was also arrested in the demonstration;

- Six monks were reportedly arrested on 3 February in Lhasa;

March 1992

- Five nuns are believed to have been arrested on 14 March near the Jhokhang Temple;

- Two monks from Ganden monastery, Tsering Phuntsok (26) and Jamyang, were arrested on 20 March;

- Seven monks believed to be from Ganden monastery were reportedly also arrested in Lhasa on 20 March: Sonam Bhagdro, Lobsang Tenzin, Dawa, Dawa (23), Sonam Paljor, Sonam Dawa (23) and Ghelong (30);

- One monk from Thang-gya monastery in Maldro Gungkar, Thupten Kunphel, was reportedly arrested on 20 March;

- Three nuns from Gari nunnery were reportedly arrested on 20 March in front of the Jhokhang Temple;

- One monk from Drepung monastery was reportedly arrested on 20 March;

- One nun, Penpa (25), from Gari nunnery was arrested on 21 March;

- Three to seven nuns from Chupsang or Gari nunnery were reported arrested on 21 March;

- Two identified monks from Jamchen monastery (Rong) were arrested in Rong in March: the monastery Ghekoe (disciplinarian) and Thupten Kunga (in his 70s) while 43 more who were reportedly also arrested have not been identified;

- Four Drepung, Six Sera monks and one nun were reportedly arrested between 22 and 24 March;

- Ten monks from Yakdhe (or Tharpa Choeling) monastery (Rong) were reportedly arrested in March: abbot Lobsang Iknyen (61), Ghekoe Lobsang Lungtok (65), Ngawang Serzang (50), Ngawang Phuntsok (30), Ngawang Dhargye (23), Ngawang Tenzin (21), Ngawang Tharchin (24), Lobsang Lhudup (23), Ngawang Choephel (15) and Tenpa (12);

- Eleven monks from Drayul Kyitsal monastery were reportedly arrested in March;

- Monks of the Tashi Lhunpo monastery in Shigatse reportedly staged a demonstration in March;

May 1992

- Forty monks from the Menpa College of Kirti Gonchen monastery were arrested in Ngapa Dzong district in north-eastern Tibet on 1 May, eight of whom were detained for 'further investigation';

- Thirteen nuns from Chupsang nunnery were arrested in Lhasa in May: Tsering Choedon, Nyidol, Gyaltsen Kelsang, Nyangdre (22), Ngawang Dhegon, Chungdhak (23), Ngawang Wangmo, Ngawang Rigdol (21), Lobsang Choekyi, Dhogdhe (20), Ngawang Nyima (22), Ngawang Choedon (22) and Gyaltsen Nyingnyi (22);

- Nine monks from Ganden monastery were reportedly arrested half-way through the circumambulation path around the Jhokhang Temple in Lhasa, in May: Tashi Dawa, Tsetan Samdup, Tsering Nyima, Tenzin, Tenzin Damdul, Bhu Kelgyal, Jampa Tenzin, Bhagdro, Ngawang Tengye;

- Six monks were believed arrested on 7 May, five monks on 8 May, three monks on 11 May;

- Eight monks from Ganden monastery were reportedly arrested in Lhasa on 11 May after having completed only one quarter of the circumambulation path around the Jhokhang Temple;

- Six nuns from Nyigon (or Nyengon) nunnery were reportedly arrested in Lhasa on 13 May: Ngawang Phurdon, Ngawang Nordon, Ngawang Tsamdon, Ngawang Gyatso, Ngawang Ngondro and Ngawang Choekyi;

- Two monks from Ganden monastery are believed to have been arrested on 13 May;

- Three monks from Drepung monastery believed to be detained in Gutsa prison were reportedly arrested in Lhasa on 13 May: Jordhen (23), Samdup (27, who is said to have been severely tortured during interrogation) and Tenzin Tinley (in his 30s);

- Six nuns from Chupsang nunnery are believed to have been arrested on 14 May;

- Three monks from Phurchok (or Phurbu Chok) monastery were reportedly arrested in Lhasa on 16 May: Lobsang Dorje (22), Lobsang Lhodup (21) and Lobsang Sherab (19);

- One monk, Lobsang Dhargye, and one nun, Sonam Dolkar, from Sangngag monastery were reportedly arrested in Lhasa on 16 May;

- Three monks from Nenying monastery were reportedly also arrested in May;

June 1992

- Two nuns and three monks believed to be from Gyama Trikhang monastery were reportedly arrested on 15 June;

- Twelve nuns from Gari nunnery were reportedly arrested in Lhasa on 22 June: Ngawang Rigdol (19/20), Ngawang (Rinchen) Zangmo (21), Ngawang Dhadon (16/17), Ngawang Nyima (22), Lobsang Dolma (19/20), Gyaltsen Kunsang (23), Ngawang Palkyi (17), Lobsang Choekyi (20), Ngawang Tengye (16/17), Gyaltsen Nyinyi (22), Ngawang Kyema (22) and Damchoe Gyaltsen (24).

In the course of 1992, arbitrary arrests of monks reportedly also took place at the Drayul Kirtsal, Rong Jamchen and Yakdhe Tharpa Choeling monasteries in the Rimpung region, at the Nenying monastery in Gyangtse, Serkhang monastery in Phenpo, Dhopung Choekhor monastery in Lhokha and Gyalche monastery in Nyemo.

A nun who was released recently from Gutsa prison reported that imprisoned monks and nuns were severely beaten and kicked even for singing and forced to undergo blood extraction, which at times caused severe nausea and weakness in view of the prison diet. She also described the practice of suspending nuns who had been stripped of their clothes, from trees for up to three hours at a time with their hands tied behind their backs, which invariably caused dislocation of the shoulders. Beating and the use of electric cattle prods were reportedly also used on the nuns during this type of torture. It has also been alleged that on 10 December 1991, Kelsang Tsultrim, a monk imprisoned in Block Five of Drapchi prison, was severely beaten and tortured by the prison authorities and put in solitary confinement when he refused to sing songs in praise of socialism during a political re-education session.

It has been alleged that on 20 May 1991, monks imprisoned at the Drapchi and Sangyip prisons in Lhasa staged a non-violent demonstration after which their sentences were increased by several years. The Special Rapporteur was informed of the following specific cases: Tenar Phuntsok (62), curator of the Potala Palace in Lhasa, sentenced to an additional nine years; Wangdu (23), curator of the Jhokhang Temple in Lhasa, to an additional five years; Lhakpa (22), curator of the Lugug monastery in Lhasa, to an additional five years; Phurbu (19), a monk from Ganden monastery in Lhasa, to an additional five years; Sodor (20), a monk from Bumthang monastery south of Lhasa, to an additional five years.

In addition, a monk who was recently released from prison reported that a number of monks had been transferred to a new prison opened in 1992 located in the Toelung Dechen district south-west of Lhasa. It currently holds approximately 200 prisoners but will reportedly hold up to 1,000 detainees and will be one of the largest in the Tibet Autonomous Region. The following monks are reportedly detained in the new prison: Ngawang Thonglam and Sonam Dorje from Ganden monastery; Jigme from the Jhokhang temple; Tinley (20); Bhuchok (24) and Phurbu (25) from the

Draghla Lhubuk temple; Phurbu and Phuntsok from the Tsomonling monastery in Lhasa; Tenzin from Tashi Choeling monastery; Tsering Dorje from Gyume monastery in Lhasa and Lobsang Choejor from the Ratoe monastery.

According to the sources, Jampa (Champa) Tenzin (49), a well-known monk who worked as chapel attendant at the Jhokhang temple in Lhasa, died between 3 and 7 a.m. on 22 February 1992. Jampa Tenzin was reportedly discovered lying in his bed half-covered with a quilt, with a rope around his neck and covered with blood. The end of the rope tied around his neck was allegedly tied to a leg of the bed but the bed had not been tilted. It has also been reported that medical experts have described self-strangulation as virtually impossible to accomplish and not causing extensive bleeding. It has been alleged that the Public Security personnel who examined Jampa Tenzin's body on the spot declared that he had committed suicide and reportedly made the head of Jhokhang temple sign a document accepting this decision, although the monks at the temple and other inhabitants of Lhasa who knew Jampa Tenzin refute this decision. No thorough formal investigation of the monk's death was reportedly undertaken by the authorities. Jampa Tenzin was reportedly not known to have ever suffered from depression.

In paragraph 22 of his last report to the Commission on Human Rights (document E/CN.4/1992/52), the Special Rapporteur indicated that a number of Tibetan monks had been sentenced to an average of 15 years' imprisonment for translating the Universal Declaration of Human Rights. The Special Rapporteur was recently informed that 10 monks from Drepung monastery were sentenced in this connection and that Buchung Ngawang, who is reportedly thought to have organized the campaign of dissemination of the Universal Declaration, was sentenced to 19 years of imprisonment.

Information concerning Muslims

It has been reported that in November 1991, government officials in Xinjiang province had systematically interrogated 25,000 members of the Muslim clergy, 2,500 of whom were found not to fulfil the requisite political and religious criteria to exercise their profession which were established by the Government. A number of private Koranic schools were also closed at the time.

The Special Rapporteur also received information that a number of well-known Uygur religious personalities were arrested and imprisoned between June 1990 and March 1992 in Eastern Turkestan.

Information concerning Christians

According to the information received, on 5 July 1991, the People's Government of Daishan county, Zhejiang province, issued a 'Public Notice Concerning the Strengthening of Control of Christian Activities in the Whole Country'. The proposed aim of the notice was reportedly, inter alia, 'to restrict and crack down on all types of illegal religious activities, resolutely resist the infiltration of unfriendly outside religious forces, and to strengthen control of Christian activities in the whole country'. The notice also stipulates: 'With the exception of the country "Three Self" patriotic churches that have already registered and been approved, all other Christian meeting places that have not registered must implement registration

of the believers... Otherwise, these are all illegal meetings and according to the law shall be banned... Appropriate departments will use coercive measures to force compliance.'

In addition, the notice indicates that 'No person is allowed to use religion to oppose the leadership of the party and the socialist system' and that, 'It is not allowed to coerce anyone, especially young people and children under the age of 18 to accept religion.'

As concerns preaching, 'If "itinerant preachers" from outside remain in our county to meet illegally and carry out their activities, the Public Security Bureau will severely deal with them. Those who receive and give shelter to these preachers or know of their whereabouts without making a report, will also be severely dealt with... Those who organize group listening, recording of and the rebroadcasting of the radio broadcasts of unfriendly overseas religious forces ... upon detection, shall be resolutely dealt with... Those who accept the supervision of outside religious powers' will be held legally responsible and will be subjected to investigation.

In his report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/56), the Special Rapporteur reproduced the reply of the Chinese Government concerning 59-year-old Trappist priest Father Pei Ronggui who had been arrested in Beijing on 3 September 1989, which indicated that his case was under examination. It has been reported that on 26 January 1992, Father Pei was sentenced to five years' imprisonment and was allegedly sent to Prison No. 4 in the city of Shijiazhuang, Hebei province. Father Li Side, whose case was also under investigation at the time, is reported to have been released on 7 June 1991 because of poor health but has remained under house arrest.

The Special Rapporteur was also informed of the following specific incidents:

A Protestant house church in Nanjing was closed by the local authorities in April 1991 and the pastor expelled under armed guard.

Father Joseph Fan Zhongliang, a 73-year-old Jesuit priest residing in Shanghai, was reportedly arrested on 10 June 1991 on the road to Wenzhou and is currently believed to be under house arrest. An Italian Catholic priest, Father Ciro Biondi, was expelled from China on 29 June 1991 on allegations of having assisted Father Fan Zhongliang to establish contacts with the Vatican.

It has been alleged that numerous church members were arrested in September 1991 in the provinces of Zhejiang, Anhui, Jiangsu and Henan, as well as in the cities of Shanghai, Canton and Shenzen.

Officials from the Public Security Bureau attacked 2,000 Christians who were attending a baptism ceremony in a house church in Wenzhou, in mid-September 1991. They are reported to have come without a warrant, to have fired in the air and beaten the pastors. It has been alleged that numerous persons were subsequently taken to a detention centre.

Six members of the Jehovah's Witnesses faith were reportedly arrested in Shanghai in November 1991.

The provincial authorities in Canton are reported to have informed Christians and members of other religious communities that they would not be authorized to celebrate Christmas outside places of worship. In addition, the media were invited to refuse all announcements having to do with Christmas celebrations.

On 16 August 1992, Father Liao Haiqing was arrested in Fuzhou, Jiangsi province, as he was celebrating mass before 200 worshippers by officials of the Public Security Bureau who were reportedly accompanied by members of the Patriotic Catholic Association of China.

Officials of the Public Security Bureau reportedly arrested 120 persons, 3 of whom were foreigners, participating in a meeting held at a house church in Guo Fa village, Wuyan district, Henan province, on 8 September 1992.

The Special Rapporteur was also informed that three Roman Catholic bishops from Hebei province in northern China have died in police custody:

Bishop Joseph Fan Xueyan (86) of Baoding reportedly died in police custody on 13 April 1992. According to the sources, Bishop Fan was kept in a re-education camp in the Shijiazhuang area of Hebei province until November 1991. It has been alleged that his body was returned by security officers to his family in a plastic bag and bore bruises on the cheek and forehead. It has also been alleged that Bishop Fan's legs 'looked like they had been broken'. The cause of his death has not been revealed.

Auxiliary Bishop Paul Shi Chunjie (71) of Baoding died of a heart attack in November 1991, reportedly from being beaten while in police custody. The police are alleged to have returned Bishop Shi's bruised body 'clothed in a sweater and two pairs of torn pants' to his family. The cause of his death has not been revealed. It has also been alleged that the authorities demanded that Bishop Shi be buried only two days after his death in order to prevent a large number of people from attending the funeral.

Bishop Paul Li Zhenrong (72) of Xianxian died at the end of April 1992. He was reportedly arrested by the police on 11 December 1991 shortly after having undergone a stomach cancer operation in a hospital in Tianjin from which he is alleged to have been forcibly removed. Church officials reported only recently that he had died of cancer, without disclosing his place of burial.

The Special Rapporteur was also informed that members of the New Testament Church in China have been beaten, their Bibles and other religious literature have been confiscated and that they have been arrested and imprisoned in labour camps."

Cuba

23. In a message sent to the Government of Cuba on 29 November 1991, the Special Rapporteur transmitted the following information:

"According to information received, the following persons or groups of persons are said to have been persecuted for their religious beliefs:

1. Alejandro Rodríguez Castillo, a prisoner at Combinado del Este. He was robbed of his Bible in May 1990 and refused another one by the authorities. He therefore went on hunger strike, for which he was moved to a punishment cell.

2. Oscar Peña Rodríguez, a Jehovah's Witness, was arrested on 12 December 1989 and taken to Jagua psychiatric hospital, where he has been given large doses of psychotropic drugs.

3. Emilio Rodríguez was taken for a time to a psychiatric hospital in Santa Clara at the end of February 1990, after religious publications relating to the Jehovah's Witnesses were found in his possession.

4. Mabel López González, Fidel Díaz Pacheco, Alberto Bárbaro Villavicencio, Narciso Ramírez Lorenzo, Alfredo Falcón Moncada and Mercedes Peito Paredes, Jehovah's Witnesses, were arrested in Sagua La Grande, Las Villas province, on 18 January 1990. Religious literature was confiscated from them and they were accused of running a clandestine printing press.

5. Marcela Rodríguez Rodríguez, Paulino Aguila Pérez, Ramón López Peña and Guillermo Montes, Jehovah's Witnesses, were fined by the Municipal Court of San Cristobal on 2 August 1990 for possession of religious literature."

24. On 28 January 1992, the Government of Cuba sent its comments regarding the above-mentioned communication transmitted to it by the Special Rapporteur:

"First of all, I wish to inform you that in Cuba no individual or groups of individuals are persecuted or harassed for professing the religious belief of their choice, that religion is practised freely in our country and that religious texts are accessible to those who desire them. Even at this time, when Cuba is experiencing a special situation in which the effects of the economic, financial and trade blockade imposed on the country are worsening, the main religious publications, such as the Bible, have been imported and may be obtained at a reasonable price. Any previous situation arising out of incomprehension or restrictions has been completely overcome.

In Cuba, there are 41 congregations of the Catholic religion and 51 institutions or associations of Protestant congregations. In other words, any religious association or association that fulfils the requirements laid down in the existing Act on the Registration of Associations may operate and is highly respected and supported as such. However, the religious sect of 'Jehovah's Witnesses', mentioned in your communication, has never submitted an application for registration since it does not fulfil the requirements established for recognition and has therefore not acquired that status.

In our country this religious sect is an unlawful association, whose members are known for their anti-social behaviour and who, in many cases, even engage in incitement to break the law and in the desecration of patriotic emblems, since they regard themselves as foreigners in their own country. In cases involving the above-mentioned criminal behaviour, as occurred in some of the cases mentioned in your communication, the following articles of the current Penal Code are applied: article 207, paragraph 1 (Incitement to break the law); article 208 (Unlawful associations, meetings and demonstrations); article 210 (Possession of illegal printed matter).

On the other hand, the right of citizens to practise the religion of their choice and to worship without any limitations other than respect for public order and the law, as established in article 54 of the Constitution, is fully respected.

I should also like to refer to our note of 1 October 1990, in reply to your note G/SO 214 (56-4) of 25 July 1990 in which the legal and social protection extended to religions and religious beliefs is explained in detail.

As you are aware, to question the implementation of the legal provisions in force in any State implies interference in its internal affairs; such an act is incompatible with international law and its rules.

As may be seen, the allegations contained in the cases concerning which we were asked for information appear to form part of the campaign which is being conducted against Cuba, using the issue of human rights tendentiously and for political ends.

Nevertheless, in answer to your request, we attach the data relating to these cases.

Emilio Rodríguez was brought before the courts for engaging in propaganda and reproduction of documents for the illegal Jehovah's Witnesses sect, but in view of his psychological condition, it was decided not to imprison him but to confine him to his home. The court sentenced him to one year's house arrest for the offence of possession of illegal printed matter.

Mabel López González, Fidel Díaz Pacheco, Alberto Bárbaro Villavicencio, Narciso Ramírez Lorenzo, Alfredo Falcón Moncada and Mercedes Feito Paredes are Jehovah's Witnesses who engaged in illegal propaganda for that sect, but they were not sentenced to imprisonment, and the latter two even left the national territory legally on 6 June 1991.

Marcela Rodríguez, Paulino Aguila Pérez and Guillermo Montes were fined for the same offence of illegal and antisocial propaganda in August 1990. Ramón López Peña was not, since the complaint received apparently contained a mistake, this being the name of a martyr of the Cuban Border Brigade who was foully murdered by United States soldiers in 1964 when performing his duty at the naval base illegally occupied by the United States at Guantánamo. In his honour, the rural community where, coincidentally, these members of the Jehovah's Witnesses sect live, was named after him.

Alejandro Rodríguez Castillo and Oscar Peña Rodríguez: there is no information whatever concerning persons of such names to suggest that they were the subject of criminal action or were detained. There appears to be some confusion or false information in these cases."

Egypt

25. The Government of Egypt did not transmit replies concerning specific cases but on 17 February 1992 provided the following general observations concerning allegations which had been made by the Canadian Coptic Association:

"1. Subjection of the Egyptian Copts to acts of genocide and expulsion by the Egyptian regime during the last two decades.

2. Subjection of the Copts to frequent acts of aggression against their private property, their institutions and their places of worship, as well as acts of sabotage, destruction and pillage, in all Egyptian towns and villages.

3. Refusal of permission for Coptic representation in the legislative authority, and the proliferation of Islamic colleges, institutes and schools for the education of Muslim children in all parts of Egypt while permission is refused for the establishment of a Coptic University.

4. Detention of members of the Christian faith, while the State authorities are making every endeavour, both directly and indirectly, to force the Copts to embrace the Islamic religion.

5. Escalating acts of aggression by extremists against Christians, including the recent looting of property belonging to members of the Christian community and the destruction of a church in the Embaba district.

6. Requirement for prior approval by the administrative authorities for the construction, repair or renovation of churches.

7. Ill-treatment of members of the Christian community in a manner that reflects inequality and persecution and implies that the community is mistrusted by the Egyptian Government.

Investigation

Within the context of the reply to those allegations, the following should be noted:

(a) The policy of the Egyptian Government towards the members of the Christian community, their property and their holy places

There are two aspects to the principle of equality. The first is the legal aspect, which is covered by the Egyptian Constitution, and the second is the practical aspect which has been respected by Egyptian society for thousands of years, as can be seen from its civilization in which this principle is closely linked to its culture, its traditions and its heritage. In this connection, reference can be made to the following:

The interlinkage between the principles of equality and justice is one of the main pillars on which the system of Government in Egypt is based. The allegation concerning the existence of persecution cannot be refuted solely by an affirmation concerning the existence of equality; it can be rebutted only by the real facts concerning the prevailing feeling of assimilation of the various component elements of the nation within Egyptian society.

The allegation concerning the subjection of members of the Coptic community to acts of genocide or expulsion as persona non grata by the Egyptian Government is a purely fabricated and totally unfounded accusation in the light of the following considerations:

The endorsement by the Government and people of Egypt of the nomination of Dr. Boutros-Ghali, a member of the Coptic community, to assume the post of Secretary-General of the United Nations, and the intense pride which all Egyptians felt at his success.

The existence of an equitable and independent judiciary, in which a number of posts are held by members of the Christian community and which administers justice and prevents the occurrence of any persecution, oppression or mistreatment among the members of our united people in any case brought before it.

The effective and positive participation by members of the Christian community in all spheres of life in Egyptian society, and their participation in the formulation of the public policy of the State by virtue of the senior positions that they hold in its executive, legislative and judicial branches.

The multi-party political system which is applied in Egypt, where every citizen has the unrestricted right to vote, to stand as a candidate and to belong to any political party.

(b) Incidents in the district of Embaba

On 20 September 1991, a dispute broke out in the district of Embaba between a Christian family and two Muslim fundamentalists, in which members of the Christian family fired shots and assaulted one of the fundamentalists, who suffered several gunshot wounds and was taken to hospital in a critical condition. When a rumour spread to the effect that he had died, a group of those fundamentalists assembled and attacked property belonging to that Christian family. They also damaged two churches and provoked disturbances throughout the district. The security services immediately proceeded to the scene of the incidents and brought the security situation under control. The persons responsible for the acts of aggression were arrested and referred to the Department of Public Prosecutions. Legal measures were also taken against persons suspected of involvement in the incidents.

Within the context of the endeavours to contain the situation, a religious meeting was held in the district under the chairmanship of the Minister of Awqaf (Religious Endowments) and with the participation of Muslim

and Christian religious leaders, as well as local residents. The meeting emphasized the bonds of national unity, condemned the incidents, established a committee to collect donations to compensate the victims of the incidents and also established a committee to promote social harmony and prevent such incidents in the future.

(c) The reference to demands made by members of the Coptic community

With a view to facilitating the construction of places of worship, the competent State authorities allocate plots of land in the new towns where mosques and churches are built side by side as a token of the harmonious relations between the members of our united people. In this connection, the following should be noted:

The statistics published in 1991 refute the allegations made concerning prevention of the construction, repair and renovation of churches.

The time-honoured requirement for permission to construct or repair churches is attributable to the fact that Egyptians firmly believe that churches must be established and built in a befitting manner consistent with their religious status as places of worship.

There is no valid justification for the demand that a university should be established on a confessional basis, in the light of the current expansion aimed at establishing numerous regional universities with branches in the new towns with a view to promoting the principles of equality and justice and the freedom that all Egyptian students enjoy to enrol at any college or institute. In this connection, the following should be noted:

Student enrolment at institutes and colleges is computerized on the basis of the student's grades and wishes.

Every student is free to enrol at any private primary, preparatory or secondary school and there is no discrimination in regard to the persons responsible for the management or supervision of the school.

Religious education (Islamic and Christian) is a basic subject in public educational curricula, without any discrimination between one religion and another.

All the various Egyptian information media broadcast or cover the religious celebrations and weekly services of the Christian community in the same way as Islamic religious celebrations and prayers.

(d) The security policy in regard to any incident that might give rise to intercommunal tension

Any attempt by trouble-makers or law-breakers to exploit minor incidents (quarrels or disputes) between Muslim and Christian citizens of Egypt with a view to endowing them with provocative confessional significance is dealt with

in a firm and resolute manner in accordance with the law and the Constitution and measures are taken to ensure that such attempts are rendered abortive at an early stage. The security policy in this regard is based on the following main principles:

The adoption of security measures to deal with the guilty parties, regardless of their religious affiliation.

The legality of the measures taken, which must be monitored and approved by official investigators and the judiciary.

Constant coordination with popular, executive and religious leaders in order to deal with any incident of intercommunal tension.

The adoption of legal security measures to deal with any attempt to disparage or discredit divinely revealed religions (even by one of their adherents or former adherents) in order to ensure respect for the divinely revealed religions in which the Egyptian people have believed for thousands of years.

The time-honoured national unity of all the component elements of our people is one of the central pillars of Egyptian society, which has always regarded it with veneration and prevented any violation thereof.

The security services take action to deal with any person who attempts to prejudice this unity, regardless of his religion or beliefs."

26. On 25 November 1992, the Government of Egypt, while not replying to allegations concerning specific incidents of religious intolerance, provided a memorandum containing the following observations concerning an article about attacks on Copts in the governorate of Asyut:

"On 1 June 1992, the Canadian Montreal Gazette published an article entitled 'The Attacks on the Copts Must Stop' on the incidents that took place in the governorate of Asyut. According to the article:

1. The Canadian Coptic Association had received information from officials of the Human Rights Association in Egypt to the effect that members of the Coptic community were being attacked and terrorized (13 Christians had been massacred in the town of Asyut).

2. Islamic extremist groups were held responsible for those incidents.

3. Part of the responsibility for the incidents was attributable to the State's policies and its failure to take appropriate measures to deal with the situation.

4. The State should take resolute measures to halt the acts of violence and terrorism against members of the Coptic community in their Egyptian homeland.

The article focused on two main aspects: the scale of the incidents that took place in the town of Dairut in the governorate of Asyut, and the measures taken by the State to deal with those incidents. We wish to comment on those points as follows:

A. The scale of the incidents

On 9 March 1992, a quarrel broke out at the village of Manshiyat Nasir in the district of Dairut in the governorate of Asyut between Abdullah Masoud Jirjis (a Christian) and members of his family (the Al-Arab family), on the one hand, and members of another family (the Al-Gawayila) from the same village, some of whom belonged to extremist groups. The cause of the dispute was the unwillingness of the first party to agree to sell their house to the second party after a contract had been concluded for its sale to another person (a Muslim).

When the dispute escalated, firearms were used and three persons were killed (one Christian from the Al-Arab family and two Muslims from the Al-Gawayila family, one of whom was an extremist). Six other persons from the two parties were also wounded (four Christians and two Muslims).

The Department of Public Prosecutions conducted an investigation and ordered the detention of two members of the Al-Arab family and two members of the Al-Gawayila family, who were released 45 days later pending prosecution in Dairut district criminal case No. 2425 of 1992.

On 14 April 1992, the body of the son of the Christian Abdullah Masoud Jirjis (one of the parties to the dispute and an employee of the Department of Forensic Medicine at Asyut, where he was living) was found in a street in the town of Asyut. The victim had been stabbed several times and investigations indicated that the incident had occurred within the context of the vendetta between the two families as a result of the previous events.

On 4 May 1992, the vendetta between the two parties once again exploded, as a result of which 13 Christians and one Muslim were killed and four other persons from the two parties were injured.

The investigation showed that the persons responsible for those revenge killings had committed those acts mainly in the agricultural areas outside the village boundaries in order to avoid confrontation with the security forces and eventual arrest.

Intensive security operations led to the identification and arrest of the persons suspected of committing those acts (some of whom were in their fifties), in addition to the extremist members of the Al-Gawayila family who had instigated and participated in those acts.

B. Measures taken to deal with those incidents

The State promptly took a number of precautionary and security measures to maintain order and protect citizens in that district. Police reinforcements were dispatched to the scene of the incidents and also to the

residential area in which the parties to the dispute and the vendetta were living. The security forces performed their duty by bringing the situation under control and preventing its further escalation.

The various State agencies concerned, together with popular and political organizations, endeavoured to contain the situation and avert any reactions by the feuding families or any attempt by extremists or fanatics to exploit those incidents in order to aggravate the situation or trigger a new explosion.

The State and the security services are doing their utmost to thwart any attempt to harm members of the Christian community or prejudice the harmonious national unity of the Islamic and Christian components of the Egyptian people."

## El Salvador

27. In a communication addressed to the Government of El Salvador on 18 September 1992 the Special Rapporteur transmitted the following information:

"According to the information received, Father José Ignacio Meza Rodezno, a priest from the Episcopal Church of El Salvador and members of the Board of Directors of the National Council of Churches, was arrested by the National Guard on 3 January 1992 at the Missionary Centre 'La Estación' of the Cristo Rey congregation in Cojutepeque, Department of Cuscatlan. It has been alleged that Rev. Meza was accused of being a guerrilla commandant. It has been alleged further that lawyers from the Socorro Jurídico Luterano, officials from ONUSAF and members of the Episcopal Church of El Salvador had tried to see Rev. Meza but were reportedly prevented from doing so by the National Guard. Church workers from the Episcopal Church who were able to see Rev. Meza on 7 January are said to have stated that he had not been tortured physically but was subjected to psychological pressures.

According to additional information received, members of the Board of Directors of the National Council of Churches received a death threat dated 6 January 1992 from a paramilitary group called the Secret National Salvation Army, stating that they "belong to the PCS (Salvadoran Communist Party) and during the entire war have actively collaborated in getting financial and logistic support, through the churches and other organizations, for the FMLN", which they qualified as an "act of treason to our country" which "cannot be left without revenge". The following persons were named in the death threat:

- Santiago Flores
- Flora Carolina Fuentes
- Medardo Gomez
- Julio Cesar Grande
- Angel Ibarra
- Victoriano Jimeno
- Hugo Magaña
- Ignacio Meza
- Carlos Najera
- Roberto Palacios
- Luis Serrano."

28. In a letter dated 2 October 1992 the Permanent Mission of El Salvador acknowledged receipt of the Special Rapporteur's communication and indicated that a reply from the Government would be forthcoming.

## Ethiopia

29. In a communication addressed to the Government of Ethiopia on 19 October 1992, the Special Rapporteur transmitted the following information:

"According to the information received, Amhara Ethiopian citizens who belong to the Orthodox Christian faith have been subjected to persecution in the Arba Gugu region involving numerous cases of summary executions. The victims are said to have included children, the elderly as well as pregnant women and their bodies were allegedly burnt or thrown into ravines. According to the sources, one of the instigators of the persecution of Amharas is Mr. Dima Gurmesa, the District Representative of the Oromo People's Democratic Organization (OPDO). It has been alleged that although these human rights violations have been reported to the Minister for Internal Affairs both orally and in writing, the Transitional Government is said not to have taken any action in this regard to date. The following specific incidents were brought to the attention of the Special Rapporteur:

On 4 June 1992, 50 women, children and elderly persons from the village of Abule are reported to have sought refuge in the church courtyard when the village was attacked by the OPDO armed forces. They are said to have been surrounded and their throats slit individually by a special group of Oromo nomads. The church was reported to have subsequently been burned, together with the priests, and the entire Abule village was allegedly razed to the ground. In the neighbouring Ashe village which is also populated by Christians, men are said to have been castrated and slaughtered, while unborn babies were taken from mothers who had been slain. Similar human rights violations are said to have been perpetrated also on 4 June in the villages of Abomsa, Abesa, Serbio Addis Alem, Wakentra, Messo and Endele Beyu.

The Special Rapporteur has been informed that the following churches in Arba Gugu District were burned together with the ancient manuscripts and relics they contained:

Guna District

- St. George of Andrea
- St. Gabriel of Teram
- St. Gabriel of Meso

Jeju District

- St. George of Abuli
- Egziharab of Abesa
- Medhane Alem of Abshire

Priests from the churches cited above who have managed to escape the attacks against Christians reported that they were carried out by well organized forces.

The attention of the Special Rapporteur has also been drawn to the disappearance of the following ecclesiastical dignitaries:

- Abuna Markorios, Patriarch of the Ethiopian Orthodox Church
- Abuna Markos, Deputy Patriarch of the Ethiopian Orthodox Church

Both clergymen, who resided at the Patriarchal Palace in Addis Ababa, are said to have been discharged from their religious duties by the Government on 12 July 1992. Although it has been alleged that the Patriarch subsequently went to a monastery at Lake Tana, efforts by members of the church to locate both dignitaries were reportedly unsuccessful."

## Greece

30. On 4 November 1991, the Special Rapporteur transmitted the following information to the Government of Greece, under annex II (E/CN/4/1992/52, para. 46):

"According to the information received, Mr. Dimitrios Katharios, a religious minister of the Congregation of Jehovah's Witnesses appointed to the Prefecture of Evros, was summoned on 16 November 1990 by Mr. Philippos Karagiozidis, Rank II Police Officer of the Alexandroupolis Police Station, who informed him that, in accordance with an order issued by the Public Prosecutor's Office, he was obliged to close down and seal up the lecture hall used by the followers of the Jehovah's Witnesses faith in Alexandroupolis, in view of the fact that 'the hall in question was being used as a house of prayer and as a meeting place of the members of the sect of Jehovah's Witnesses'. On 19 November 1990 the hall is said to have been closed down and sealed up by the officers from the Alexandroupolis Police Station who reportedly indicated in their report that they had 'carried out the self-authorized closing down and sealing up of the House of Prayer and Meeting Place of the sect of Jehovah's Witnesses, using tape and Spanish wax'.

It has further been alleged that Mrs. Lydia Paraskevopoulou, a follower of the Jehovah's Witnesses faith, had been appointed as a substitute teacher at the Chanakia Grammar School, Ilia prefecture in the Peloponnesus, in November 1990. In December 1990 the primary education administration of the prefecture of Ilia reportedly recalled Mrs. Paraskevopoulou from her post, indicating that 'the duties and functions of each and every educator have been defined and cannot be adjusted to suit their particular standards and tastes, their peculiarities of behaviour and eccentricities'. A decision issued by the Director of Primary Education states that Mrs. Paraskevopoulou is to remain subject to inspection and not to appear at the school until the problem that has arisen is resolved. It has also been alleged that the Ministry of National Education and Religions recently refused to issue a teaching permit to a member of the Jehovah's Witnesses faith in order that he may teach English at a private tuition centre.

According to the sources, members of the Jehovah's Witnesses faith who are detained at the Avlona Military Prison are unable to satisfy their religious needs since they are denied visits by religious ministers belonging to their faith."

31. On 11 December 1991, the Government of Greece sent its comments to the Special Rapporteur regarding the above-mentioned information:

"A. Jehovah's Witnesses Congregation in Alexandroupolis - Case of Mr. Katharios

Following a written petition by 43 citizens residing in Alexandroupolis, the local Prosecutor instructed in October 1990 the Police Department of this city to proceed to a preliminary inquiry concerning the creation and operation, without the necessary permit, of a congregation of Jehovah's Witnesses. Upon completion of the preliminary brief, the Prosecutor lodged a complaint against three Jehovah's Witnesses for violation of Law 1363/38 as amended. Mr. Demetrios Katharios, a religious minister was among those sued. In addition, the Public Prosecutor instructed the Police to have the congregation premises sealed.

The Competent Court in Alexandroupolis by its verdict sub No. 2092/2.7.91 declared the three persons accused not guilty and ordered the unsealing of the congregation place. This was carried out on 2 August 1991 by the Police.

B. Case of Mrs. Lydia Paraskevopoulou

In 1987, Mrs. Paraskevopoulou had submitted to the competent authorities a request to be appointed as teacher at the level of primary public school. Her request was rejected at the time, because the legislative solution of the issue of appointment of Jehovah's Witnesses as teachers was not yet found. In 1988, Law 1771/1988 was promulgated. From then on, persons belonging to religious confessions other than the one prevailing in Greece, were given the opportunity of an appointment to teach in primary public schools. Unfortunately this particular Law did not include a transitional clause covering the cases of candidates having had earlier submitted requests for this appointment as teachers. Mrs. Paraskevopoulou belongs to this category. She was, however, included on the priority list of this same year. Mention should be made here that inclusion of the name of a candidate in the year's priority list does not necessarily guarantee his or hers being appointed the same year. In fact, candidates of the 1988's list have yet to be appointed.

C. The issue of Religious Ministers of Jehovah's Witnesses visiting the Avlona Military Correctional facility

The Greek legislation in force does not provide for a possibility of such visits to Military Facilities. Nevertheless, and despite the fact that the Jehovah's Witnesses belief is not recognized by Greece as a Religion, it is envisaged by dint of new internal regulations of Military Corrective Facilities, currently being elaborated, that a specific place be provided for Jehovah's Witnesses and their Ministers for their religious duties."

32. In a communication sent on 9 October 1992, addressed to the Government of Greece, the following information was transmitted by the Special Rapporteur:

"It has been reported that members of the Jehovah's Witnesses faith have continued to be imprisoned for refusing conscription. The following cases were brought to the attention of the Special Rapporteur and summarized as follows:

Mr. Anastasios (Tasos) Georgiadis, a religious minister whose appointment had been confirmed by the Prefectures of Larissa and Karditsa, saw his application for exemption from military service for religious reasons rejected on 17 September 1991. The Serres Recruiting Office argued that the Holy Synod of the Greek Church had informed them that the Jehovah's Witnesses faith was not a recognized religion because its practice contravened two articles of the Greek Constitution: Article 13.1 which prohibits religious rites offending public order or moral principles and proselytism; and Article 4.5 which requires every able-bodied Greek citizen to contribute to the defence of the Fatherland. On 20 January 1992, Mr. Georgiadis was detained at Nafplion Military Camp after he had refused to put on a military uniform and on 29 January, he was transferred to the Avlona Military Prison. On 17 March, the Athens Military Court recognized him as a religious minister of a known religion and pronounced a sentence of acquittal. He was released the following day. Nevertheless, despite this ruling, the Recruiting Section of the General Headquarters for National Defence is reported to have persistently refused to recognize Mr. Georgiadis's status as religious minister and he was imprisoned for the second time on 4 April at the Nafplion Military Camp. On 8 May 1992, the Athens Military Court acquitted Mr. Georgiadis for the second time and ordered his release, ruling at the same time that it was up to the Recruitment Office to decide whether or not to issue discharge papers. The Recruitment Office once again refused to do so and Mr. Georgiadis was imprisoned for the third time on 22 May. His case was examined by the Council of State on 16 June but no decision has been taken so far and no date has been set for his trial. Mr. Georgiadis is the fourth Jehovah's Witnesses minister whose application for exemption from military service was rejected by the military authorities since Law 1763/1988 came into force and despite the three decisions issued by the Council of State emphasizing that the Jehovah's Witnesses faith was a recognized religion and asking for the immediate release of three ministers: decision 3601/90 concerning the release of Mr. Daniel Kokkalis, decision 1354/91 concerning the release of Mr. Timothy Kouloubas and decision 1355/91 concerning the release of Mr. Dimitrios Tsirlis.

According to the information received, 415 conscientious objectors who belong to the Jehovah's Witnesses faith are currently imprisoned in Greece. They have reportedly been sentenced to terms of imprisonment of four years which they would be able to reduce to approximately three years through work. It has also been reported that Jehovah's Witnesses who are detained in military prisons continue to be denied visits by their religious leaders, in contrast to prisoners belonging to the Greek Orthodox faith.

The following cases concerning the sentencing of Jehovah's Witnesses on charges of proselytism were also brought to the attention of the Special Rapporteur:

On 29 March 1989, the Court of Florina reportedly sentenced four women belonging to the Jehovah's Witnesses faith to five months' imprisonment, a fine of 500,000 drachmas and a six months' police surveillance on grounds that they were "guilty of the act of proselytism on members of another faith in favour of their religion". The prison sentence was subsequently commuted. The four women are: Alexandra Despoti, a 30-year-old housewife, Eleni Didaskalou, a 23-year-old seamstress, Eugenia Theodoridou, a 21-year-old worker and Elena Batodaki, a 22-year-old worker. The four women were reportedly going from house to house in Florina on 26 July 1988 selling "Watchtower" and "Awake" magazines and exchanging ideas about their beliefs with the inhabitants of the town. A complaint against them was allegedly filed by an Orthodox priest, Mr. Evripides Taskas (63). On 27 November 1991, the Tessalonica Court of Appeal was to issue its final verdict concerning the defendants, but the trial was reportedly postponed because of a strike by the judicial staff.

According to the information received, on 15 November 1992, the European Court of Human Rights in Strasbourg was scheduled to hear an appeal made by Mr. Minos Kokkinakis, a retired businessman in his eighties who belongs to the Jehovah's Witnesses faith. On 2 March 1986, he and his wife were arrested when the police found them reading passages of the Bible and talking about pacifism in biblical terms with their friends. Mr. Kokkinakis' appeal concerned the 10,000 drachmas fine and the prison sentence of four months which were imposed on him by the Magistrates Court of Lasithi on charges of proselytism. Mr. Kokkinakis has already served seven prison terms over the past 50 years and has spent four periods in exile away from his home in Crete. He served the longest of the sentences, 18 months, in the 1940s for conscientious objection to military service, while the remaining sentences were for proselytism.

The case of the Jehovah's Witnesses congregation of Gazi, in Heraklion (Crete), was reported in the following terms: in 1983, the congregation had asked for a permit to convert a leased property into a place of prayer and worship. In the three-year contract which was drawn between the owner and the tenants, it was clearly stated that the property would be used for religious purposes. The local office of the Orthodox Church was informed about the contract and the priest had lodged a complaint against the tenants, Titos Manousakis, Konstantinos Makridakis, Kyriakos Baxevanis and Vasilios Hatzakis, for failing to obtain a permit which is issued by the local Orthodox Church authorities and by the Ministry of National Education and Cults. The defendants were acquitted by the First Instance Court and, after an appeal by the Prosecutor, by the Magistrates Court. They therefore resumed using their place of prayer and worship and placed a sign at the entrance indicating its religious identity. However, the local Orthodox priest alleged that the posting of this sign amounted to proselytism. Following a second appeal lodged by the Public Prosecutor of the Magistrates Court, the defendants were sentenced on 15 February 1990 to a three-months' prison term and a fine of 30,000 drachmas. On 19 March 1991, the Supreme Court (Areopagos) denied the petition for cassation which had been lodged by Mr. Manousakis and sentenced the defendants to the payment of the 18,000 drachmas court expenses.

With regard to a case already referred to in his previous report (E/CN.4/1992/52), the Special Rapporteur was informed that the Alexandroupolis

Magistrates Court had acquitted the leaders of the Jehovah's Witnesses congregation who were charged with the illegal use of the house of prayer and ordered the seals to be removed from this site on 2 July 1991. The house of prayer of the Jehovah's Witnesses congregation in Alexandroupolis had been closed and sealed in 1990 because they had failed to secure an operating permit which is issued by the Ministry of Education and Cults. The Public Prosecutor who had initiated the proceedings appealed the decision before the seals were removed. The Orthodox bishop is reported to have exercised significant pressure on the local authorities in order to dissuade them from formally recognizing the Jehovah's Witnesses place of worship.

It has been alleged that from 1983 to 1991, 2,172 Jehovah's Witnesses were arrested on grounds of proselytism. In 1991, 211 persons were arrested, 28 cases were brought to court and 8 cases were postponed. There were three cases of acquittal and one case of conviction which concerned several persons.

According to additional information received, four Evangelist army officers are said to be facing four-year prison terms for proselytizing which were handed down by a military court in Volos, in central Greece.

It has also been alleged that the existing laws on education make difficult the appointment of non-Orthodox teachers in Greece, in whatever type of school. In particular, the following cases of several persons belonging to the Jehovah's Witnesses faith who were being denied teaching permits were reported to the Special Rapporteur:

In October 1991, Ms. Valiki Pilaftsoglou had asked for a permit to teach French and biology at a private tuition centre. She was asked to fill in a form in which she was required to state her religion and started to work before obtaining the permit. Meanwhile, the local education authorities had asked the Minister of Education and Cults if they may deliver a teaching permit to a teacher who did not belong to the Orthodox faith. The case was still pending several months later.

Mr. Theofilos Tzenos, an English teacher, had applied for a job in a private tuition centre but was refused a teaching permit by the Ministry of Education and Cults because he was not of the Orthodox faith.

In September 1991, Mrs. Anastasia Nomidis received her English Language Proficiency Certificate issued by the University of Michigan. She asked for and obtained the "Certificate of Qualification to Teach" which is delivered by the Ministry of Education. She subsequently filled in two application forms in order to obtain a permit to teach and establish a tuition centre. Several months later, the Ministry answered verbally that they would not issue her a teaching permit on religious grounds. However, according to the information received, non-Orthodox teachers had been allowed to teach in public schools in the 1980s although they faced difficulties at times.

On 20 May 1992, it was reported that five monks from the Church Abroad, Brother Oleg Shvetzoff, Father Mitrophan, Monk Nicholas Shevelckinsky, Hieromonk Ioannikios Abernethy and Archimandrite Seraphim Bobich, the Abbot of the Saint Elias Skete Monastery on Mount Athos, were forcibly evicted from their dwellings. It has been alleged that Bishop Athanasios, a representative

of the Ecumenical Patriarch, had come to the Saint Elias Skete Monastery together with representatives of the Pantocratos Monastery and armed Greek police who forced the monks at gun-point to leave the Saint Elias Monastery at once. No documents signed by any authority were presented to justify the eviction. The Greek authorities are alleged to have confiscated the monks' passports (all of whom are American citizens) and their Greek identification cards and had allegedly threatened to place them under arrest. On 25 May, Father Ioannikios is said to have called the Civil Governor of Tessaloniki, Mr. Constantine Papoulidis, who told him that he had no responsibility and no authority in the matter and that Father Ioannikios should write a petition to the monastic government, the Sacred Community of Athos."

33. In December 1992, the Permanent Mission of Greece to the United Nations Office at Geneva informed the Special Rapporteur that the reply to the above-mentioned allegations was forthcoming.

India

34. On 31 August 1992, the Special Rapporteur transmitted the following information to the Government of India:

"According to the information received, incidents of discrimination against Indian citizens belonging to the Christian faith have occurred persistently. In particular, a number of incidents of intimidation of tribal Christians aimed at forcibly converting them to Hinduism have been reported.

According to the sources, one of the most prominent leaders of a recent campaign of intimidation is Mr. Judeo Singh, a Hindu revivalist from Madhya Pradesh, who is the vice-president of the Bharatiya Janta Party which recently came to power in this State. He is said to have intimidated tribal Christian clergy and missionaries in the districts of Raigarh and Sarguja. It has been reported that Mr. Judeo and his followers have organized massive religious conversion rallies in the Kumbichuha and Bakruma villages and that many Christians have been taken out of their houses to rivers by force and converted to the Hindu faith. Many Christians are said to have preferred to convert to Hinduism in order to avoid being subjected to attacks. It has been alleged that no action has been taken against such activities even after a report had been filed with the police, resulting in a feeling of fear and insecurity among the Christian community in Madhya Pradesh. It has been reported that the Madhya Pradesh Freedom of Religion Act 1968 prohibits conversion by force, allurement or by fraudulent means.

It has been alleged further that a bill having a direct bearing on religious educational institutions founded by missionaries is currently being promulgated under the Private Colleges Act by the Government of Tamil Nadu. According to this bill, the management of Christian colleges would be entirely controlled by the Government, reportedly in violation of the constitutional guarantee provided for in articles 29 and 30 which, according to the allegations received, give special freedoms to the minority communities to manage their educational institutions without any interference from anyone".

Indonesia

35. In a communication sent on 1 November 1991 addressed to the Government of Indonesia, the following information was transmitted by the Special Rapporteur (document E/CN.4/1992, para. 49):

"According to the information received, followers of the Baha'i faith in Indonesia have been subjected to systematic persecution solely on the basis of their religious beliefs. It has been alleged that all Baha'i administrative institutions have been dissolved, all Baha'i schools closed and all of their properties, including a National Centre, have been confiscated.

It has further been reported that members of the Baha'i community have been subjected to surveillance, arbitrary arrests and detention and that a number of Baha'is have been imprisoned from periods ranging from a few days up to five years. Their employment and promotion opportunities have reportedly also been restricted. It has been alleged that Baha'is have been pressured to renounce their faith and invited to adopt one of the five other religions recognized under the Constitution. Baha'is have allegedly been asked to formally renounce practising their faith, both privately and publicly and continue to not be allowed to pray even in the privacy of their own homes. Baha'i children are said to have been expelled from school and their books have been seized."

36. On 16 December 1991, the Government of Indonesia replied to the letter which the Special Rapporteur had sent it on 1 November 1991:

"I. General Observations

1. The Indonesian position on similar allegations concerning religious intolerance has been repeatedly stated in our replies to your communications, dated 8 December 1989 and 15 November 1990, which were also included in the Report of the Special Rapporteur to the forty-seventh session of the Commission on Human Rights. In view of the repetition of the allegations, the Government of Indonesia would like only to underline some points.

2. As is known, Indonesia is a nation composed of hundreds of ethnic groups spread all over the archipelago while religions and belief in God have strong roots in the history and culture of the Indonesian people. Therefore, since the birth of the Indonesian Republic, the Government of Indonesia has always guaranteed every citizen the freedom to adhere to his or her religion. This is reflected in the State Philosophy and the National Constitution of 1945 which stipulates that the State shall be based upon belief in the One Supreme God, and guarantee every resident the freedom to adhere to his respective religion and to perform his own religious duties in conformity with that faith.

3. The policy adopted by the Government of Indonesia, therefore, does not impose limitations and restrictions on, nor does it interfere in the internal matters of, any religion recognized in Indonesia. This, however, does not imply that the Government would remain indifferent should there be activities which may disrupt the three principles of religious harmony:

(a) The internal matters of each religion;

(b) The relation between and among the adherents;

(c) The relation between the adherents and the Government.

4. A provision in Article 1 of Law No. 1/PNPS/1965 on the Prevention of Abuse and/or the Defiling of Religions, prohibits anyone who deliberately makes interpretations of any of the recognized religions in Indonesia or publicly engages in activities which deviate from those religions; such interpretations and activities being contrary to, and deviating from the true teachings of those religions.

II. Allegations contained in the communication

5. The allegations contained in the annex of your communication are too general and do not specifically refer to any particular case.

6. As we have already stated in our previous responses to similar allegations, the Baha'i faith is banned in Indonesia by Governmental Decree of 1962 since its teachings and practices are contrary to, and deviating from the teachings of Islam, particularly with regard to its practices and beliefs, including those of marriage.

7. The prohibition of the Baha'i movement in Indonesia is not because of intolerance on the part of the Government of Indonesia but, on the contrary, it is precisely to maintain peace and harmony between and among the adherents of various religions. Without any Government control in this matter, the activities of the Baha'i movement may create disturbances and disrupt the existing religious tolerance.

8. The above action taken by the Government, therefore, is merely the appropriate measure which should be taken to maintain order and safety as well as the fundamental rights and freedoms of others, in conformity with Article 1 paragraph 3 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief which reads as follows:

> 'Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others'.

9. With regard to allegations that members of the Baha'i community have been arrested and imprisoned, the Government of Indonesia rejects such general and unsubstantiated allegations."

Iran (Islamic Republic of)

37. In a communication sent on 18 September 1992 addressed to the Government of the Islamic Republic of Iran, the following information was transmitted by the Special Rapporteur:

"According to the information received, Mr. Bahman Samandari, aged 52, an Iranian citizen belonging to the Baha'i faith, was executed in Evin prison in Tehran without charge, trial or sentencing on 18 March 1992, for refusing to renounce his religion. He is said to have been secretely buried in the 'section for infidels' of the Beheshte Zahra general cemetery in Teheran on 20 March but the exact location of his grave has not been disclosed to his family, which was informed of his execution 18 days after it had taken place and has not received an explanation concerning the discrepancy between the date indicated on his testament, 18 March 1992, and that of 17 March which figures on the extract from the register of the deceased.

Mr. Samandari, an economist and former representative of Swissair in Tehran, is said to have been summoned to the Islamic Revolutionary Public Ministry on 17 March 1992, allegedly to receive a document. His family was reportedly informed of his arrest by telephone at 2 p.m. the same day. No reasons for the arrest were given. Mr. Samandari had been arrested for the first time on 21 October 1987 for his membership in the Baha'i religious community and was detained at Evin prison until December 1987. He was prevented from working for several years before finding a job in a textile factory six months prior to his execution.

Mr. Samandari's wife reportedly went to the Islamic Revolutionary Public Ministry to inquire about her husband on 18 March and was directed to Evin prison where she was told on 24 March that her husband's name was not in the prison register. She returned to the Ministry on 5 April with a male person who was allegedly admitted to the Penalty Enforcement Office alone and was handed Mr. Samandari's will, dated 18 March 1992, 3 p.m., in which he is reported to have explained that it was impossible for him to recant his faith, as he was asked to do in exchange for his freedom. On 7 April, Mrs. Samandari inquired at the Ministry about the charges on which her husband had been executed but was reportedly given no reply.

Religious animosity against members of the Baha'i faith is said to have also resulted in the killing, on 17 June 1992, of Mr. Ruhu'llah Ghedami from Muzaffariyyih village. He was reportedly murdered by two members of the governmental 'Disciplinary Forces', who are said to have acted on their own and have reportedly been arrested and imprisoned by the authorities.

According to additional information received, systematic discrimination of members of the Baha'i community on the basis of their religious beliefs has continued. As members of an unrecognized religion, Baha'is are said to not enjoy protection under the Constitution and allegedly continue to be referred to as members of the 'wayward Baha'i sect', considered officially as 'unprotected infidels'. Members of the Baha'i faith reportedly continue to be denied the right to freely express their religious beliefs, to elect and maintain their administrative institutions, the right of assembly as well as of their inheritance rights. Baha'is are reportedly not able to leave the country freely as it is virtually impossible for them to obtain passports. They allegedly continue to be denied access to institutions of higher education and encounter difficulties in distributing Baha'i books among themselves. The property rights of the Baha'i community are reportedly unprotected and they remain officially barred from opening their own businesses. Members of the Baha'i community were reportedly harassed in the

cities of Karaj and Aran in Kashan and were compelled to close their stores. Large numbers of Baha'is reportedly continue to be unemployed while numerous retirement pensions have been terminated. In addition, members of the Baha'i faith, who are said to only be allowed to bury their dead in cemeteries specifically designated by the Government, are allegedly prohibited from marking the graves of their co-religionists which makes them almost impossible to identify even for family members.

According to the sources, members of the Baha'i community have continued to be arrested and detained because of their faith. It has been reported that on 1 April 1992, Mr. Hussain Eshraghi, an elderly follower of the Baha'i faith, was arbitrarily arrested in Isfahan. In addition, three Baha'i women were reportedly arrested in Sari on 21 May 1992 for talking about their faith to a non-Baha'i who was also arrested on that occasion. On 31 May 1992, a woman belonging to the Baha'i community is said to have been arrested in Shahinshahr, Isfahan, for talking about her faith to a non-Baha'i friend who was also arrested on that occasion and subsequently released. As of 1 July 1992, eight members of the Baha'i community were reportedly imprisoned.

A woman who was found guilty in December 1991 of 'belonging to the misguided Baha'i sect, of activities for its illegal administration, and of leaving the Islamic Republic of Iran' had all her belongings confiscated, 'whether known or unknown or whether she has registered them in her name or in the name of others... all her belongings were put at the disposal of the appointed Trustees of the Institutions of Religious Leadership'.

In December 1991, the Committee of Administrative Offences of the National Steel Company of Iran permanently dismissed an employee from his government post 'in view of the fact that the offence committed by this person is clear in that he belongs to the misguided sect which is recognized as being outside the domain of Islam'.

Upon 'unanimous consent on the part of all present', a provincial Ministry of Education and Development convicted a person in May 1991 to 'permanent dismissal from any government post' since a letter 'issued from a legal source indicates that the person concerned belongs to the misguided Baha'i sect' and that 'during the interview he stated that he is a Baha'i'.

The Court of Administrative Justice issued a decision in November 1990 'in relation to the complaint of the retired and dismissed ... regarding the discontinuance of his pension' that 'there are no grounds for further investigation of this case and the complaint is hereby rejected', since the Office of Insurance and Pensions of the Army 'has declared ... that his pension has been suspended due to his membership in the misguided Baha'i sect'.

A former employee of the Tehran University Department of Public Health 'was found guilty of the crime of membership in the Baha'i sect and was permanently dismissed from his government post and therefore his pension was discontinued'. The Court of Administrative Justice decided in January 1991 that 'there are no legal grounds to pay the pension or to bring back the above file into circulation'.

With regard to the complaint a former employee of the National Department of Forestry and Prairies concerning the discontinuation of his pension payments, in June 1991 the Court of Administrative Justice did 'not find the complaint acceptable', 'taking into consideration the fact that the complainant has not denied membership in the misguided sect' and 'due to the fact that membership in the misguided Baha'i sect, a sect which is considered to be outside of Islam, is cause for dismissal from all government posts, with all that it might imply'.

The Office of Insurance and Pensions of the Ministry of Defence and Support of Armed Forces wrote to a former employee in September 1991: 'Based on the information received, you are a Baha'i and therefore not entitled to pension payments. However, should you convert to Islam and demonstrate remorse for having been a Baha'i and further provide this office with proof that you have embraced Islam, steps will be taken to restore pension payments to you.'"

38. In a subsequent communication sent on 30 September 1992 addressed to the Government of the Islamic Republic of Iran, the following information was transmitted by the Special Rapporteur:

"According to the information received, two Iranian citizens belonging to the Baha'i faith, Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi, may be facing imminent execution on account of their religious beliefs. Messrs. Mithaqi and Khalajabadi, who have reportedly been arrested three years ago and detained in Gohardasht prison in Karaj, are said to have recently been summoned by the prison authorities and informed orally that an Islamic Revolutionary Court had issued a death sentence against them due to their Baha'i faith. It has further been alleged that the trials at which Mr. Mithaqi and Mr. Khalajabadi were sentenced took place in the absence of their defence counsel and it is not known whether all legal remedies have been fully exhausted. It was reported that the two Muslim lawyers who had been engaged by the defendants in this case resigned for lack of possibility to continue with their work, after having taken a number of initial steps."

## Iraq

39. In a communication sent on 4 November 1991 addressed to the Government of Iraq, the following information was transmitted by the Special Rapporteur (E/CN.4/1992/52, para. 55) as follows:

"According to the information received, the Shia Muslim community has been and continues to be subjected to practices inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which jeopardize its religious identity and heritage. The systematic destruction of the majority of mosques, Husseiniyas (religious gathering places for commemorating the martyrdom of Iman Hussein), religious schools, libraries, cemeteries and other historic sites in the holy cities of Najaf and Kerbala has been reported. Numerous cemeteries and graveyards are said to have been desecrated and razed and burials have allegedly been prohibited in many of these facilities. The principal public libraries and private collections, some of which contained rare religious books, manuscripts and other valuable objects, were reportedly

looted and many among them burnt. It has been alleged that entire sections of towns and cities with a predominantly Shia population as well as the structures surrounding the holy shrines have been demolished with a view to changing their character. It has also been reported that the perimeter walls of the holy shrines which contain historic examples of ancient Islamic art and crafts are to be destroyed and replaced with i n bars, and that plans exist to build public parks around them. It has further been alleged that the holy shrines have also been looted and that their administration has been taken away from the Shia religious authorities and entrusted to those of the State. It has reportedly been envisaged to convert a number of holy shrines into museums, which would take away the spiritual and social role they play in the life of the Shia community. In addition, the construction and funding of new Shia mosques and meeting places is reportedly subjected to enormous legal and administrative obstacles.

Religious leaders at the mosques are reportedly chosen by the authorities and the content of their speeches is monitored. They are said to be frequently harassed and restricted in their movements within and outside the country. Worshippers are allegedly also subjected to surveillance and intimidation by security officers. It has further been alleged that the movements of the Grand Ayatollah as-Sayyid Abul Qasim Al-Khoei, whose health is said to be deteriorating, remain restricted and that pressure is being exerted on him to appear on television and send envoys to official ceremonies. The members of his family, staff and their relatives who were arrested in March 1991 continue to be detained at undisclosed locations and more than 800 members of the clergy and religious scholars who had been rounded up in Kerbala and Najaf remain in incommunicado detention. Those who are not detained are said to have been prohibited from performing their religious duties and wearing their traditional dress. It has been alleged that there are currently only 15 religious scholars left in Najaf.

Numerous religious schools, colleges and universities have allegedly been destroyed and closed. Many seminars are said to have been banned with the exception of those which have been officially approved. In addition, the official curriculum of the State school system allegedly only teaches the Sunni creed despite the fact that the majority of school children belong to the Shia faith. Information campaigns against the Shia faith accusing it of deviation and heresy have also been reported. Religious affairs units allegedly control the publishing of both contemporary and traditional works of Shia literature, as well as any books and magazines, while religious programmes with a Shia content cannot be broadcast on radio and television. It has been alleged that more than 1,000 Shia religious book titles have been banned by the Ministry of Information.

Traditional Shia rituals concerning the Iman Hussein are said to have been completely prohibited, both in private and in public, as is also the case with other public manifestations and processions associated with Shia religious holidays, the majority of which are allegedly not officially recognized. It has further been reported that the application of the Shia law regarding personal and family matters such as marriage and inheritance is not permitted. Discrimination concerning employment opportunities and promotion of members of the Shia community is said to exist, particularly in the civil service, judiciary and the military. It has also been alleged that the

current Nationality Law has resulted in hundreds of thousands of members of the Shia community having their citizenship revoked. It has further been reported that hundreds of thousands of Shia have been deported and their property seized with no compensation.

The following specific cases and incidents have been reported:

Threats against the Grand Ayatollah's son, Sayyid Muhammad Taghi Al-Khoei, are said to have recently appeared in the Alqadisiya newspaper, which is published by the Ministry of Defence.

A series of six articles which attacked and ridiculed the Shia faith are reported to have recently appeared in the Ath Thawra newspaper. Derogatory remarks are said to have been made concerning the appearance, religious rites and morals of the Shias and doubts were allegedly expressed concerning the validity of Shia marriages, implying that the children may be illegitimate.

The following allegations of destruction in the Shia holy cities of Iraq in March 1991 in the context of repression which followed the Shia uprising have been received:

The following Shia holy shrines and places of worship have reportedly been destroyed or badly damaged in the city of Najaf

1. The holy shrine of the Imam Ali

On 23 March 1991, a bulldozer is said to have been brought in through the Toosi door in order to tear a large hole in the air conditioning duct, through which it passed into the inner courtyard. A number of children who reportedly sought refuge in the shrine were hurled into a crowd outside and most are said to have died as a result. It has further been alleged that the tomb of the Imam Ali suffered extensive damage after being hit by artillery shells and that one of the silver panels surrounding the tomb was also destroyed. The golden dome and the main building are also said to have sustained considerable damage, as is the case with the main door and minaret;

2. Forty to fifty persons are said to have been burnt alive by napalm bombing in the holy shrine located in the Huwaish district of Najaf;

3. The Imam Zain Al Abideen shrine dating back to the Islamic 7th century has been damaged;

4. The Safi Safa shrine in Zain Al Abideen Street has also been damaged.

It has also been alleged that the golden dome of the Muslim bin Aqeel holy shrine in the centre of Kufa has been badly damaged by artillery fire.

The following mosques and Husseiniyas in Najaf have reportedly been destroyed

1. The Imam Ali mosque in Amir district

2. The Baquee'a mosque in Medina Street

3. The Morad mosque in Toosi Street

4. The Sami Kirmasha mosque in Imarah district

5. The Imam Sadiq mosque in Medina Street

6. The Kuwait mosque in Medina Street

7. The mosques in the Khan Al Mukhathar areas are said to have been destroyed from both the Khan and the Jamhouriya side

8. The Husseiniya Shoshtaria in Imarah district

The following Shia cemeteries in Najaf have reportedly been destroyed

1. The Wadi al Salam cemetery, which is one of the largest in the world and of significant historical and religious value for the followers of the Shia faith, has been almost completely razed

2. The Sheikh Abdullah Almamqany cemetery containing the tombs of important Shia clergy

3. The Aal Shalal cemetery

4. The Aal Alkhailily cemetery

5. The Sayed Abul Hassan cemetery situated inside a shrine building which contains the tomb of an Ayatollah has been completely burnt

6. The Al Safi cemetery in Zain Al Aabideen Street

7. The Imam Hakim cemetery in Al Rasool Street containing the tomb of Ayatollah Al Hakim

8. The Al Baghdadi cemetery in Al Toosi Street

The following libraries in Najaf have reportedly been looted and their books stolen or burnt

1. The Dar Al Elm public library

2. The Imam Hakim public library in Rasool Street

3. The Dar Al Hikma library in Zain Al Abideen Street

4. The Husseiniya Shoshtaria library in Al Imarah

5. The Al Sadr Al A'dham library had all its books looted

6. The Imam Amir Al Moa'mineen library in Al Hiwaish district had all its books looted

7. The Al Khoei library

The following religious schools in Najaf were reportedly destroyed or burnt

1. The Dar Al Elm school for post-graduate studies directed by the Imam Al Khoei

2. The Al Khalily school in Imarah district

3. The Dar Al Hikma school of the late Imam Al Hakim, in Zain Al Abideen Street

4. The Al Yazdi Great School in Al Hiwaish district

5. The Al Shaikh school in Imarah district

6. The Al Yazdi school located near the holy shrine in the centre of the city

7. The Al Qazwini school located near the holy shrine in the centre of the city has been burnt and demolished

8. The Al Borojordi school

9. The Al Bahbahany school in Zain Al Abideen Street

10. The Al Sadr Al A'dham school has been partly burnt

It has also been alleged that the only religious school in the holy city of Samarra has also been destroyed.

The following holy shrines and places of worship have reportedly been desecrated or destroyed in the city of Kerbala

1. The Imam Hussein Shrine

2. The Imam Abbas Shrine

3. The Maqam Sahib Azman Shrine is said to have been completely razed

4. The Maqam Imam Sadiq Shrine (all farms around it were reportedly destroyed)

5. The Maqam Tal Al Zainabia

6. The Maqam Hussein Camp at Al Mokhaiam

7. The Maqam Husseins Palm at Qibla Street

The following mosques in Kerbala have reportedly been destroyed

1. Al Hassan Mosque in Al Abbas Street
2. Al Turuk Mosque in the Al Abbasiya area
3. Aoun Mosque in the Bab Baghdad area
4. Ras Al Hussain Mosque in Bab Al Taq
5. Souq Al Kundarchia Mosque at Souq Al Kundarchia
6. Al Attareen Mosque at Souq Al Hussain
7. Sheikh Abdul Karim Mosque at Al Abbasiya
8. Soque Al Alawi Mosque in Al midan Al Qadeem
9. Ami Utrokchi Mosque in Ali Al Akbar Street
10. Al Naqib Mosque in Hay Alnaqib
11. Al Sadiq Mosque in Bab Al Khan
12. Al Hussain Mosque in Hay Ramadhan
13. Al Muttqeen Mosque in Hay Al Hur
14. Al Rasool Mosque in Bab Al Alqamy
15. Al Muntadhar Mosque in Souq Al Naalchia
16. Al Ahmadi Mosque near Al Abbas Shrine
17. Abu Tahin Mosque in Bab Al Salama
18. Al Baloush Mosque in Imam Ali Street
19. Al Abbas Mosque in Al Qibla Street
20. Al Alawi Mosque in Souq Al Ainabia
21. Shti Al Furat Mosque in Bab Baghdad
22. Amir Al Moamineen Mosque in Hay Al Mualimeen
23. Nisf Minara Mosque in Hay Al Hussain
24. Al Amir Mosque in Hay Ramadhan
25. Abu Lahma Mosque in Bab Baghdad
26. Hay Al Thawra Mosque in Hay Al Thawra

27. Ibn Glish Mosque in Bab Baghdad

28. Hay Al Abbas Mosque in Hay Al Abbas

29. Al Wadi Al Qadeem Mosque in Bab Al Khan

30. Al Saadia Mosque in Al Saadia

31. Al Muntadhar Mosque in Bab Baghdad

32. Al Quraan Mosque near the Al Abbas shrine

33. Sheikh Toosi Mosque

The following Husseiniyas in Kerbala were reportedly looted and destroyed

1. Imam Khoei in Sahib Azaman Street

2. Al Karrada at Nahr Al Hussainia

3. Al Karrada Al Sharqia in Tariq Baghdad

4. Al Samawa in Mafraq

5. Tahrania on Imam Ali Square

6. Ahali Nassiri in the city centre

7. Ahali Mowataqia in Al Abbasia

8. Ahali Samawa in Al Abbasia

9. Ahali Shamia in Al Abbasia

10. Ahali Ghamas in Al Abbasia

11. Ahali Annjaf in Al Abbasia

12. Ahali Al Hamza in Al Abbasia

13. Manhrat Alwaqiaa in Al Abbasia

14. Al Hussainy on Adukhnia Road

15. Ahalh Hilla on Twaireej Way

16. Ahali Hamza in Al Abbasia

17. Gharbi in Al Abbasia

18. Bany Hissan in Al Abbasia

19. Sababigh Al Aal in Al Abbasia

20. Ahali Kadhimia in Bab Baghdad

21. Al Barbiat in Bab Attaq

22. Aby Al Khsib in Asaddia

23. Souq Ashyokh in Asaddia

24. Alsamawa in Asaddia

25. Al Anbareen in Al Midan Al Qadeem

26. Sheikh Bashaar in Qiblat Al Hussain Street

27. Al Ashaar in Qiblat Al Hussain Street

28. Bani Amir in Al Abbasia

29. Ahali Al Samawa-Ajamhoor in Al Abbasia

30. Ahali Al Hay in Al Abbasia

31. Ahali Al Kut in Al Abbasia

32. Al Kadhimia in Al Abbasia

33. Qatar in Al Mukhayam

34. Ahali al Hilla in Al Mukhayam

35. Al Karkh in Al Abbasia

36. Al Karkh in Asaddia

37. Al Graiaat in Asaddia

38. Al Qorna in Asaddia

39. Al Thawra in Asaddia

40. Al Amara in Asaddia

41. Al Maimona in Asaddia

42. Al Rumaith in Asaddia

43. Al Nassiria in Asaddia

44. Al Rifaae in Asaddia

45. Al Basra in Asaddia

46. Al Samawa in Hay Al Baladia

47. Al Basra in Hay Al Baladia

48. Shabab Al Ghary in Al Abbasia

49. Ahali Daqooq in Al Midan Al Qadeem

50. Ahali Touze in Al Midan Al Qadeem

51. Soqu al Alawi in Al Midan Al Qadeem

52. Al Bayaa in Bab Baghdad

53. Al Ahsaa in Soqu Al Mokhaiam

54. Al Hinood in Bab Al Salama

55. Ahali Al Qatif in Soqu Al Mokhaiam

56. Ahali Tiseen Kirkuk in Asaddia

57. Karadat Mariam in Asaddia

58. Rabeaa in Hay Al Baladia

59. Al Isfahania in Qiblat Al Hussain Street

60. Al Musayab in Bab Baghdad

61. Al Kuwait in Asaddia

62. Al Bahrania in Al Mukhaiam

63. Al Shakerchy in Al Abbasia

64. Al Mahmoodia in Al Abbasia

65. Al Musayab in Bab Al Salama

66. Al Khudhar in Al Abbasia

<u>The following religious schools in Kerbala were reportedly destroyed</u>

1. Imam Borujordy School in Imam Ali Square

2. Al Dinnia School in Al Mukhai-yam

3. Al Hindia School in Al Mukhai-yam

4. Hassan Khan School near the Imam Hussein Shrine

5. Ibna Fahad Al Hilly School in Al Abbasia

6. Badkooba School in Al Mukhai-yam

7. Al Buq'aa School in al Haramain Street

8. Al Salimia School in Al Mukhai-yam

9. Al Hussainia School near the Al Abbas shrine

10. Al Khateeb School in Al Mukhai-yam

According to the information received, 48 members of the Shia clergy were arrested in the holy city of Samarra.

The following additional members of Shia Muslim clergy and religious scholars of Iraqi and Iranian nationality from among the family, staff and relatives of the Grand Ayatollah have reportedly disappeared after their arrest between 20 and 23 March 1991 within the framework of events which have taken place in Iraq:

1. Sheikh Mohammed Hussein Sharif Kashif Al Ghitta

2. Sheikh Rithwan Habib Kashif Al Ghitta

3. Sayed Faisal Mohammed Al Baghdadi

4. Sheikh Mohammed Hussein Abbas Alturayhee

5. Sheikh Ahmad Duwair Hashoosh Al Bahadeli

6. Sayed Ammar Abood Bahrul Uloom

7. Sayed Mohammed Aboud Bahrul Uloom

8. Sayed Alaa Nasir Mohammed

9. Sayed Mohammed Nasir Mohammed

10. Sayed Abbas Nasir Mohammed

11. Sayed Heider Nasir Mohammed

12. Sayed Kamal Mohammed Sultan Klanter

13. Sayed Mohammed Ali Abdul Samad Dhaher Al Jaberi

14. Heider Abdul Amir Aziz Fakhruldeen

15. Mohammed Abdul Amir Aziz Fakruldeen

16. Sayed Ali Saeed Al Hakim

17. Sayed Ahmad Mohammed Jafar Al Hakim

18. Sayed Hassan Mohammed Jafar Al Hakim

19. Sayed Ali Mohammed Jafar Al Hakim

20. Sayed Hassan Al Qubbanchi

21. Sheikh Mohammed Jafar Mohammed Aal Sadiq

22. Sheikh Abdul Amir Abu Altabooq

23. Sheikh Ahmad Aldujaili

24. Sheikh Hadi Aljusani

25. Sayed Mohammed Taqi Jafar Al Marashi

26. Sayed Ahmad Mohammed Taqi Al Marashi

27. Sayed Mohammed Baqir Mohammed Ibrahim Al Shirazi

28. Sayed Taqi Juma Jawad

29. Sayed Ibrahim Abul Qasim Al Khoei

30. Sayed Mahmoud Abbas Al Melani

31. Sayed Murtadha Jawad Kadhimi Al Khalkhali

32. Sayed Mahdi Murtadha Al Khalkhali

33. Sayed Mohammed Sadiq Mahdi Al Khalkhali

34. Sayed Mohammed Saleh Mahdi Al Khalkhali

35. Sayed Mohammed Hussein Mahdi Al Khalkhali

36. Sheikh Taqi Hassan Abbas Ali Deryab

37. Sheikh Hussein Ali Gulam Redha Firoz Bakht

38. Sheikh Mohammed Hussein Hussein Ali Firoz Bakht

39. Sheikh Mohammed Baqir Hussein Ali Firoz Bakht

40. Sayed Mohammed Ali Mohammed Mohammed Ali Mirsalari

41. Sheikh Zakeria Israel Mohammed Redha Annaseeri

42. Sheikh Mahdi Hassan Al Fadheli

43. Sheikh Redha Ali Akber Redha

44. Sayed Rasul Redha Hussein Hashimi Nasab

45. Sayed Hashim Redha Hussein Hashimi Nasab

46. Sayed Ahmad Hussein Mohammed Al Bahraini

47. Sayed Mahmoud Hussein Mohammed Al Bahraini

48. Sayed Mohammed Baqir Habib Husseinian

49. Sayed Mohammed Kadhum Habib Husseinian

50. Ala Naser Algarawi

51. Abbas Naser Algarawi

52. Hayder Naser Algarawi

53. Mohammad Naser Algarawi

54. Ali Albaaj

The following members of the clergy and religious scholars of Lebanese, Bahraini, Afghan, Pakistani and Indian nationality who worked with the Grand Ayatollah were reportedly also arrested between 20 and 23 March 1991 within the framework of events which have taken place in Iraq:

Lebanese

1. Sheikh Talib Al Khalil

2. Sheikh Hadi Mufeed Al Faqeeh

3. Sheikh Mahdi Mufeed Al Faqeeh

4. Sheikh Sadiq Mohammed Redha Al Faqeeh

5. Sheikh Abdul Rahman Al Faqeeh

6. Sheikh Ali Jafar

Bahraini

1. Sheikh Hassan Ali Kadhum Sharaf

2. Sheikh Fadhel Abbas Ahmad Al Omani

3. Sheikh Mohammed Jawad Abdul Rasool Hussayn

4. Sheikh Jafar Mukhtar

5. Sheikh Ahmad Abdullah Al Moat

6. Sheikh Issa Hassan Abdul Hussayn

7. Sheikh Fadhel As-saadi

8. Sheikh Redha Abdul Karim Shehab

Afghan

1. Sayed Assadullah Sulaiman Mahmoud

2. Sheikh Mohammed Nasir Mehrab Ali Darab Ali

3. Sheikh Mohammed Jafar Mirza Hussayn Gulam Ali

4. Sayed Hashim Al Sayed Ali Kareem Muslim

5. Fadhel Hussayn Mohammed Amir

6. Mihrab Ali Gulam Hussayn

7. Mohammed Moussa Mohammed Ali Gulam Hussayn

8. Mohammed Husayn Mohammed Ali Gulam Hussayn

9. Mohammed Jawad Mohammed Ali Gulam Hussayn

Pakistani

1. Sheikh Baqir Al Sheikh Moussa Ismail

2. Sheikh Mohammed Jawad Baqir Moussa Ismail

3. Sheikh Ali Baqir Moussa Ismail

4. Sheikh Mohammed Baqir Baqir Moussa Ismail

5. Sheikh Jafar Gulam Mohammed Jafar

6. Sheikh Ahmad Gulam Mohammed Jafar

7. Sheikh Mohammed Sharif Gulam Heider Gulam Mohammed

8. Sheikh Sadiq Ali Gulam Heider Gulam Mohammed

9. Sheikh Akhtar Mudhuffar Hussayn Gulamali

Indian

1. Sayed Abbas Hussayn Shah Ahmad

2. Sayed Jawad Al Sayed Abbas Hussayn Shah

It has also been alleged that in June 1991 approximately 70 theology students of Bahraini and Saudi Arabian nationality were arrested in Najaf and are feared to have been executed in the desert about 50 kilometres from the city and buried in a mass grave.

It has further been alleged that Sheikh Al Ahmadi, who was over 80 years of age, was hanged in Najaf and his corpse was subsequently left on the ground. It has been reported that any person who approached the body in order to bury it was shot on the spot.

According to the sources, the son, brothers and nephews of Sayed Mohammad Ridha Al Hakim have been executed. Sayed Murtadha Ali Al Hakim, a clergyman aged 45, was arrested on 25 March 1991 together with his sons Hussein, aged 22 and Ali, aged 25. In addition, Sayed Ala'Al Din Bahrul Uloom, Sayed Ali Al Ala'Din Bahrul Uloom and Sayed Mohammad Safa Musa Bahrul Uloom, aged 60, 27 and 40 respectively, are also said to have been detained.

According to the information received, Ayatollah Sadiq Qazwini, a prominent religious leader and scholar from Kerbala, aged 91, has been imprisoned since April 1980. It has been alleged that he has been subjected to torture despite his age and precarious state of health. It has also been alleged that Ayatollah Qazwini's library of valuable religious books was burned at the time of his arrest and that his home had been looted and destroyed."

40. On 21 January 1992 the Permanent Mission of the Republic of Iraq to the United Nations at Geneva transmitted the following information to the Special Rapporteur with regard to the above-mentioned allegation (E/CN.4/1992/52, para. 55):

"1. The allegations made at the beginning of the note are a repetition of those made in the previous note dated 11 June 1991, to which a reply was given in note 353 dated 8 August 1991 from the Permanent Mission of Iraq at Geneva. The note refuted such allegations and explained some points which had been unclear regarding the so-called 'situation of the Shia community in Iraq', the subjection of 'the Shia Muslim community to practices inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief' and 'the situation of Ayatollah Al-Khoei', in addition to the question of religious leaders and the method by which they are chosen at mosques, the monitoring of their sermons and other allegations.

2. Holy shrines and places of worship in the city of Najaf: The allegations to the effect that the shrine of the Imam Ali (may God protect him) was demolished by heavy machinery, such as a bulldozer, in order to open the Toosi door are untrue and unsupported by evidence. As for the killing of several children inside the shrine, we should like to make clear that on 23 March 1991, the shrine of the Imam Ali was a centre for insurgents and rebels, and that there were no women, children, elderly persons or other visitors in the shrine other than the insurgents themselves, who were using this sacred place as a base from which to resist Iraqi units. It was as a result of actions on the part of the insurgents that this venerable shrine was damaged. The tomb of the Imam Ali (may God protect him) did not come under any artillery fire; the damage which it sustained was caused by subversives. Reconstruction and repair work has been carried out on the tomb, in the presence of its keepers, by highly-skilled artists and engravers. The shrine

has been visited by Arab, Iraqi and foreign journalists, who saw the reconstruction and repair work at the time. It is currently open to visits by the general public.

3. The allegation that 40 to 50 persons were burnt alive by napalm bombing is no more than an allegation. We should like to point out here that when insurgents were in control of the governorates of Karbala and Najaf, they killed a considerable number of citizens and looted their property, in addition to carrying out acts of mutilation and rape.

4. As for the allegation of damage to the shrines of Imam Zain al-Abideen and Safi Safia, we should like to reaffirm our previous statement that the shrines of holy imams and other religious sites were being used as bases by insurgents, which resulted in such shrines being damaged.

5. As for the destruction of a number of mosques and Husseiniyahs in the governorate of Najaf, we reaffirm that they were being used by insurgents as bases from which to carry out their acts of subversion. Some were damaged as a result of armed clashes between insurgents and the armed forces which were unavoidable if civilian lives were to be preserved and public order maintained. The religious sites, however, have been fully repaired. They are now open and frequented by worshippers at all times.

6. The cemeteries destroyed in the governorate of Najaf: The cemeteries referred to were not destroyed; on the contrary, they are open, with constant burials taking place. The Wadi al-Salam cemetery has merely been reorganized and a road and various pathways have been opened to make it easier for visiting citizens to move around the cemetery or bury their dead. It has been enclosed by fencing and its funeral offices are open on a regular basis.

7. Libraries: The damage to the libraries mentioned was the direct result of the disturbances and subversion. They were burnt and looted by certain elements due to the significance of the valuable books that they contain, which are an important part of our cultural and Islamic history. The Government of Iraq has no interest in destroying, burning and looting such libraries, which are still standing and are run by followers of the Grand Ayatollah Sayyid Abul Qasim Al-Khoei.

8. The religious schools destroyed or burnt in Najaf: There is no truth to the reports and allegations which state that religious schools in the governorate of Najaf have been destroyed. They have sustained no damage apart from the Dar al-Hikma school, an old school belonging to Sayyid Al-Khoei, who taught mostly foreign pupils there. The school was a base for subversives, who used it as an arms dump and also executed a number of citizens there. The armed clash between subversives and army units resulted in the destruction of the school. As for the Qazwini school, it was an old school for Iranian pupils run by the Iman Ayatollah Al-Khoei. It was used as a base by subversives and was destroyed by the fires which occurred as a result of the clash between the armed forces and subversives.

9. The holy shrines in the governorate of Karbala: The shrines of the Imam Hussein and the Imam Abbas (peace be upon them) were used as arms and ammunition dumps by insurgents and as a rallying point for resistance to government forces. These two large shrines were also the scene of acts of murder, rape and other repugnant crimes committed by the insurgents who were responsible for the damage to both shrines. Having rid the shrines of the insurgents, the competent authorities, in view of the religious and cultural significance of the shrines, embarked on the task of repairing the damage caused by the insurgents. The Maqam Sahib Azman shrine, it is a bogus shrine built on the basis of a flight of fancy. Although it has no importance as a shrine, it was used by money-grubbers for material gain and for the honouring of vows by ingenuous citizens who failed to understand the aims of those tending the shrine. As for the destruction of the farms around the Maqam Imam Sadiq shrine, there is no truth to the allegation. The fact is that the Husseiniya river, on which the governorate of Karbala is dependent for drinking-water supplies and irrigation, was widened by a company specialized in such work. The Maqam Imam Sadiq shrine itself was destroyed by an explosive charge placed by the insurgents when they withdrew from the shrine. The other shrines sustained no damage and still remain standing.

10. The mosques destroyed in the governorate of Karbala: The allegation that a number of mosques have been destroyed is groundless. These mosques remain standing and are visited by worshippers at all times of prayer. As for the Attareen Mosque in Souq al-Hussein, it fell within the scope of the town expansion in 1986, and the recent incidents had no bearing on it. The Souq al-Kundarchia Mosque, the Utrokchi Mosque, the Rasool Mosque at Bab al-Alqami, the Muntazar Mosque and the Ahmadi Mosque near the Imam al-Abbas shrine, being adjacent to the Husseiniya and Abbasiya gardens, fell within the scope of the expansion of the gardens, which was intended to enhance the beauty of the holy shrines in view of their sacredness to Muslims. The Sheikh Abdul Karim Mosque in eastern Abbasiya and the Hay al-Abbas Mosque in the Hay al-Abbas district were sabotaged, pillaged, looted and burnt by insurgents, who wreaked havoc and destruction in the mosques and in religious and educational centres and libraries.

11. The Husseiniyahs in the governorate of Karbala: All the Husseiniyahs mentioned were used as arms and ammunition dumps by insurgents, as well as to imprison and kill citizens and perpetrate various types of crimes. They were also used as places of resistance to the central authority. A large number suffered severe damage, while the rest remain standing. All the Husseiniyahs which were damaged are being repaired by the competent authorities.

12. The clergy: Despite the search for the clergy who allegedly disappeared during the events of March 1991 and the careful investigation into their whereabouts, they have not been found. They probably left the country during the aggression against it or during the disturbances, apart from the following two, who live in the governorate of Najaf:

(a) Sheikh Ahmad Duwair Hashoosh al-Bahadeli, who is currently living at Najaf, Mualimeen district, House No. 10/10.

(b) Sheikh Ali al-Ba'aj, a former representative of Sayyid Al-Khoei in the governorate of Qadisiya, who is currently living at Najaf.

13. The allegations in the note of the Special Rapporteur regarding the arrest of a number of clergymen of various nationalities are groundless. None of the persons mentioned has been arrested, executed or detained. We have no information on them, the likelihood being that they left the country during the disturbances.

14. As for the following accusations:

(a) The hanging of Sheikh al-Ahmadi, aged 80, in the governorate of Najaf and the prevention of his burial;

(b) The execution of the son, brothers and nephews of Sayyid Muhammad Ridha al-Hakim;

(c) The arrest of Sayyid Murtadha Ali al-Hakim, aged 45, together with his sons, Hussein, aged 22, and Ali, aged 25, on 25 March 1991;

(d) The detention of Sayyid Ala' al-Din Bahrul Uloom, aged 60, Sayyid Ali Ala' al-Din Bahrul Uloom, aged 27, and Sayyid Muhammad Sadiq Musa Bahrul Uloom, aged 40;

(e) The arrest of Ayatollah Sadiq Qazwini, a prominent religious leader from Karbala, aged 91, in April 1980, the burning of his library and the looting and destruction of his home;

they are untrue, as none of those mentioned has been arrested, executed or detained."

41. In a communication sent on 12 November 1992 addressed to the Government of Iraq, the following information was transmitted by the Special Rapporteur as follows:

"According to the information received, the persecution of the Shia Muslim community of Iraq, which constitutes approximately 60 per cent of the country's population, and the further destruction of its religious and cultural heritage has continued during the current reporting period. Discrimination against Shias is said to have increased since the uprising in March 1991 and it has been reported that the local population of the holy cities of Karbala and Najaf are often too frightened to even visit the shrines located there. Religious life in general is said to have been severely restricted and the new legislation passed by the authorities has conferred additional powers on the Ministry of Religious Affairs which authorizes it to take over the administration of Shia religious places, appoint prayer leaders and dictate the contents of prayer sermons. It has been reported that mourning has not been allowed during the traditional month of Moharam and that anyone who transgressed this ban was arrested. It has been alleged that the holy cities of Karbala and Najaf, which are said to be under tight military control, were sealed off from the rest of the country for two days before the Ashura, when Shias mourn the death of the Imam Hussein. An increased military presence in the area with roadblocks and the conducting of personal searches was reported at the time.

The Special Rapporteur has already spoken in his last report (E/CN.4/1992/52, para. 55) of the desecration and damage sustained by the holy shrines in Karbala and Najaf. He was subsequently informed that gifts which have been made to the shrine of the Imam Ali in Najaf for over a thousand years by kings and rulers, principally from Persia and India, such as jewels, gold and manuscripts, have been looted from the main treasury of the shrine. The family who have traditionally acted as custodians of the shrine have indicated that all the treasures which had been stored in two large rooms adjacent to the shrine courtyard have disappeared. An ancient Koran in Kufic script which is believed to have belonged to this collection of treasures was allegedly later offered for sale. Looting of the Al-Abbas and Al-Hussein shrines in Karbala has also been reported.

The Special Rapporteur indicated in his last report that entire sections of towns and cities with a predominantly Shia population have been demolished (E/CN.4/1992/52, para. 55). It has been reported that the historical Tal Al Zaynabiya district of Karbala was demolished recently with the purported aim of modernization, as is the case with other old quarters in that city and in Najaf. It has also been alleged that all religious property belonging to the Khoja Shia Ithna Ashari community (which originates from India and also lives in Europe, Africa, North America, the Middle East and Pakistan) in Karbala, Baghdad and Basra has been confiscated and offered for sale at public auctions.

As the Special Rapporteur indicated in his previous report (E/CN.4/1992/52, para. 55), the Wadi al Salam cemetery in Najaf, which is one of the largest in the world and an important place of Shia pilgrimage, was desecrated and destroyed. The Special Rapporteur has been informed that, in an additional act of desecration, a highway has been built over its remains.

It has also been alleged that the Fiqh College in Najaf, the only remaining official academic Shia religious college in the country, has been closed and that its premises have been converted into a souk (market). All of its students are said to have been transferred to a Sunni Sharia college in Baghdad. It has also been alleged that more than 100 senior members of religious schools in Najaf continue to be detained and that eyewitnesses have confirmed their presence in governmental safety houses in Baghdad.

In his previous report, the Special Rapporteur referred to the situation of the Grand Ayatollah as-Sayyid Abul Qasim Al-Khoei (E/CN.4/1992/52, para. 52) who passed away in Kufa on 8 August 1992 after having spent the last 18 months of his life under house arrest. It has been alleged that the Grand Ayatollah was buried unceremoniously in the cemetery adjacent to the Al-Khadra mosque in Najaf before dawn the following day in the presence of only six persons and that no displays of public mourning were allowed. No doctors were reportedly allowed to examine the body before the burial. Plans for a public funeral were reportedly cancelled after police visited his family home on the eve of the burial. It has also been alleged that phone links were cut and a curfew imposed on Najaf with a view to prevent massive attendance of the funeral. It was further reported that troops patrolled the streets of Najaf and that shops were forced to remain open. Numerous members of the Shia Muslim clergy were allegedly placed under house arrest and many mosques were also closed on that occasion.

It has been reported recently that the authorities have decided to select themselves and impose on the Shia religious community a successor to the Grand Ayatollah as the Supreme Religious Authority of the Shia Muslims. The person who would nominally hold this post in Najaf would inherit the legal authority over Shia affairs and assets previously held by the late Grand Ayatollah as-Sayyid Abul Qasim Al-Khoei. It has also been reported that the late Ayatollah's son, Sayed Mohammed Taki Al-Khoei, was detained in Najaf on 23 September 1992 for a number of hours for refusing to publicly endorse the candidate selected by the authorities to replace his father. According to the sources, an estimated 105 relatives, staff, senior clerics and religious students associated with the Grand Ayatollah who were arrested in March 1991, including his son Ibrahim, continue to be detained and their fate has not been elucidated to date. In addition, it has been reported that the authorities have made the renewal of visas of non-Iraqi theological students and teachers in Najaf dependent on their endorsement of the governmental candidate for the succession of the late Grand Ayatollah. The more than 200 Afghan, Pakistani, Indian, Iranian and other non-Iraqi Arab religious scholars concerned by this measure, who have spent most of their lives in Iraq, risk expulsion from the country without their families and belongings.

The attention of the Special Rapporteur has also been drawn to the situation of approximately 1,300 Shia prisoners who are reportedly detained in the Closed Section of Abu Ghraib prison because of their religion.

The Special Rapporteur is also concerned about the situation of the Shia Marsh Arabs from southern Iraq who have recently been victims of indiscriminate military operations involving bombing and strafing operations by fixed-wing aircraft and helicopter gunships, attacks with napalm and defoliants as well as of engineering programmes aimed at draining the marshes. Five bombing raids on Shattaniya which caused many casualties and damage were reported at the beginning of August 1992."

42. On 10 December 1992, the Permanent Mission of the Republic of Iraq to the United Nations at Geneva transmitted the following information to the Special Rapporteur with regard to the above-mentioned allegation:

With regard to the allegations referred to at the beginning of the note, concerning the continued subjection of the Shi'a in Iraq to persecution and destruction of their religious and cultural heritage, the competent Iraqi authorities have already replied to an earlier note from the Special Rapporteur in the Mission's note 1359 of 31 July 1991.

With regard to the allegations concerning desecration and destruction of the holy places in the cities of Karbala and Najaf and the destruction of the Wadi al-Salam cemetery so that a rapid-transit highway could be constructed through it, similar allegations transmitted to us by the same Special Rapporteur have already been answered in our note 20/A/10/278 of 19 January 1992.

On the subject of the closure of the College of Jurisprudence in the governorate of Najaf and the transfer of its students to the Shari'a College at Baghdad, we wish to make it clear that the educational institution in question suffered severe damage at the hands of subversive elements

participating in the disturbances, who turned it into a base for their activities and committed therein the most odious acts of torture and murder. Consequently, the responsible authorities decided to amalgamate that college with the Shari'a College so that it could continue to function.

The allegations mentioned in the Special Rapporteur's note, concerning the placing of the late Imam Ayatollah Abul Qasim al-Khoei under house arrest and the Iraqi authorities' refusal to permit the holding of a funeral service for him, are total fabrications and lies. Quranic recitations were held in the Khadhra Mosque near the Haidari Shrine in the governorate of Najaf for six consecutive days and were attended by Sayyid Muhammad Taqi al-Khoei, the son of the late Ayatollah al-Khoei, and his entire entourage. They were also attended by delegations from all parts of Iraq, who came to present their condolences, as well as ministers of religion and Shi'ite dignitaries at Najaf, the head of the Presidential Diwan and the Minister of Awqaf and Religious Affairs, who also presented their condolences. The Ministry of Awqaf and Religious Affairs undertook to pay all the costs of the recitations. Sayyid Muhammad Taqi al-Khoei and a number of ministers of religion in the governorates of Karbala and Najaf were received by the President of the Republic on 7 October 1992 and, during the meeting, they expressed the gratitude of the late Ayatollah's family for the care and consideration that His Excellency had shown for the deceased and his family. We duly brought this to the attention of Mr. Van der Stoel, the Special Rapporteur of the Commission on Human Rights, in response to his note containing the same allegations. Sayyid Muhammad Taqi al-Khoei has also informed him of what really happened. The funeral ceremony was conducted in the normal manner and was attended by State personalities, religious dignitaries at Najaf, the family of Ayatollah al-Khoei and residents of the governorate. No steps were taken to prohibit the funeral cortège.

The allegations contained in the note, concerning the Iraqi Government's imposition of a successor to the late Imam Abul Qasim al-Khoei, are totally false and unfounded since the Iraqi authorities have not imposed a successor to the late Imam. They have never interfered in such matters, nor are they doing so at the present time. This false accusation indicates a lack of familiarity with the practices and structure of the religious establishment (the Shi'ite hierarchy) since the successor to al-Khoei is elected by a conclave of religious dignitaries, as is well-known in all Shi'ite religious circles and elsewhere in the Islamic world.

The note refers to an allegation to the effect that 1,300 Shi'ites are being held incommunicado at Abu Ghreib prison. This allegation is totally false and unfounded. If the Special Rapporteur would kindly provide us with the names of those persons, we would be able to reply in greater detail.

The allegations referred to in the note, concerning the killing of residents of the marshes in southern Iraq in the wake of the military operations undertaken there by Iraqi forces, as well as the accusation that the Government of Iraq has prepared plans to drain the marshes in southern Iraq, are inaccurate and biased and, like many of the allegations made against Iraq, are couched in very vague and general terms. Iraq has already replied to these allegations contained in the reports submitted by

Mr. Van der Stoel, the Special Rapporteur of the Commission on Human Rights, and reference can be made in this connection to Iraq's detailed reply in General Assembly document A/C.3/47/2 of 7 October 1992.

Malawi

43. In a communication of 18 September 1992 addressed to the Government of Malawi, the following information was transmitted by the Special Rapporteur:

"According to the information received, persons belonging to the Jehovah's Witnesses faith have continued to be persecuted. It has been alleged that 280 refugees from Mozambique who are followers of the Jehovah's Witnesses faith have been expelled from Malawi for reportedly expressing their religious beliefs to others."

Malaysia

44. In a communication of 18 September 1992 addressed to the Government of Malaysia, the following information was transmitted by the Special Rapporteur:

"According to the information received, citizens of Malaysia who are members of the New Testament Church (NTC) have been persecuted for a number of years. It has been alleged that church registrations have been revoked, that the spiritual publications and banners of the church have been confiscated and that members have been repeatedly arrested and detained for preaching the gospel. It has also been alleged that the Malaysian authorities did not protect members of the NTC who were Malaysian citizens when they were subjected to persecution in Taiwan in 1985 and in Singapore in 1987.

In addition, it has been reported that Ms. Cecilia Woo, an NTC pastor, was tried in court in 1990 for preaching. It has also been reported that any mention of the scriptures in court was prohibited and that the Bible was banned from the courtroom on that occasion. Ms. Woo is said to have been sentenced to six months' imprisonment for preaching after an initial imprisonment of three months to which she was allegedly sentenced on charges of 'contempt of court'.

According to the sources, nine members of the New Testament Church were arrested on 1 March 1991 in Kuala Lumpur when they were preaching. They were reportedly taken to a police station and detained on charges of 'illegal assembly', 'resisting arrest' and 'interfering with official duty'. It has been reported further that on 4 March 1991, 21 members of the NTC were arrested and imprisoned on charges of 'illegal assembly' when they came to the above-mentioned police station to demand the release of their nine co-religionists. Their case is said to have been transferred to the Police Special Branch. It has been reported that the detained members of the NTC have been denied visits and medical treatment. It has been alleged that on 10 March 1991, the police refused to divulge the place of detention of the 21 members of the NTC arrested on 4 March 1991 to their families. The names of the 30 members of the New Testament Church who have been arrested are:

1. Sia Geok Hee, 37
2. Leong Soon Yong, 18
3. Gim Kah Hun, 37
4. Ng Lee Fang, 23
5. Lau Lih Yan, 23
6. Chew Keng Leng, 23
7. Teng Mui Fong, 27
8. Teh Lily, 33
9. Tan Sook Kuan, 15
10. Tan Yew Chuan, 34
11. Tan Choon Hun, 36
12. Tan Guat Ling, 31
13. See Seng Teck, 54
14. Lai Ah Lik alias Lai Boey, 52
15. Wong Chok Chang, 42
16. See Yee Al, 23
17. Tan Tian Chiew, 32
18. Lim Kai Tong, 62
19. Chew Kwang Sang, 25
20. Chew Kwang Seok, 22
21. Chew Kwang Sim, 21
22. Ng Lee Ling, 22
23. Ruth Ooi Lee Eng, 22
24. Goh Lai Eng, 50
25. Wong Yau Chee, 57
26. Lim Yew Lee, 57
27. Lee Kaw alias Lee Toong Lam, 43
28. Ng Nyet Chin, 34
29. Leong Ha alias Leong Keong On, 47
30. Ivy Ong"

Myanmar

45. In a communication of 16 October 1992 addressed to the Government of the Union of Myanmar, the following information was transmitted by the Special Rapporteur:

"Persecution of Muslims

According to the information received, since late 1989, the Rohingya citizens of Myanmar who belong to the Muslim faith and live predominantly in the northern part of Rakhine State (Arakan) located in the northwestern part of the country have been subjected to persecution based on their religious beliefs involving extrajudicial executions, torture, arbitrary detention, forced disappearances, intimidation, gang-rape, forced labour, robbery, setting of fire to homes, eviction, land confiscation and population resettlement as well as the systematic destruction of towns and mosques. Muslims are said to make up approximately 4 per cent of the country's population and unofficial estimates place the Muslim population in Rakhine State between 1.4 and 2 million people. Approximately 300,000 Rohingyas are reported to have fled to Bangladesh by the end of April 1992, at the rate of more than 2,000 per day as a result of the repression. The persecution of Rohingyas is said to have intensified in late 1991, forcing them to flee at the rate of 5,000-7,000 per day by March 1992. Several thousand are said to have been killed by border guards while thousands more are reportedly kept in custody. Numerous Muslims born in Burma are said to have been detained for years on charges of illegal immigration. Many of those who have fled allegedly refuse to leave Bangladesh and return to their homes in Myanmar for fear of continuing persecution and some are said to have also fled Bangladesh for this reason. A similar campaign during which more than 200,000 Muslims fled from Myanmar to Bangladesh is said to have been launched by the authorities in 1978. In addition, the State Law and Order Restoration Council (SLORC) is said to have issued a statement according to which Rohingyas are not citizens of Myanmar and therefore cannot return.

The human rights violations against the Rohingyas, which rose sharply in early 1991, are reportedly primarily being committed by the armed forces and are said to have been particularly numerous in the Maungdaw and Buthidaung

townships of Akyab District. In January 1991, 1,500 villagers in Buthidaung township were allegedly ordered to leave their homes. A number of villages are said to have lost up to half of their population as thousands of Muslims fled to seek refuge in neighbouring Bangladesh while others are almost completely empty. The mass exodus is said to have increased dramatically in late 1991 and early 1992.

The human rights violations which have been brought to the attention of the Special Rapporteur may be grouped into the following broad categories: ill-treatment and killing during porter duty, ill-treatment and rape, summary executions and religious persecution, eviction and population transfers.

Ill-treatment during porter duty

Since the mid-1980's, Muslims are said to have been taken for forced porter duty by the military, particularly the light infantry divisions. A village headman would reportedly be coerced by troops into recruiting porters from his village, often in order to avoid an attack. Persons of all ages, including older men and children as well as clerics, are reported to have been taken from their villages and made to carry, without pay, heavy loads of food, bricks or ammunition for troops. Some are said to have literally been abducted from their homes, markets or local roads and many have never returned. They were also forced to work on the building of military camps, the construction and improvement of roads, digging trenches, or were made to act as servants for troops in army camps. They would also be forced frequently to build new villages for non-Muslim settlers which the armed forces had moved into the Rakhine area. Forced labourers were kept in army custody for periods varying from a few days to several months, often on rotation. Some were taken for forced porter duty several times. Since late 1991, there has reportedly been an increase in the number of Muslims taken as porters and the frequency with which they were taken. Citizens of Myanmar belonging to the Hindu faith are also reported to have been conscripted for forced portering.

Muslims on forced porter duty have been reported to be victims of ill-treatment: they were given no food or only a small amount of rice a day and were often tied up at night, which made sleep impossible. Those who became ill or weak from exhaustion or lack of food and could not perform their duties to the satisfaction of the army were verbally abused, kicked with heavy boots, beaten with bamboo sticks, iron rods and rifle butts, burned with cigarettes, slashed with bayonets or killed. If they collapsed and could no longer stand, they were left by the troops on the ground to die. Men who would flee in order to evade porter duty would have female members of their family taken in their place to the military camp and raped, often being held as hostages until the return of the men.

The following specific cases of ill-treatment of forced labourers were brought to the attention of the Special Rapporteur:

Abdul Jalil, 70, from Kiladaung village, Maungdaw township, had served the military at the Kilarbil camp for a decade and was involved in portering heavy loads and canal building. He reported that no one was allowed to stop work and sleep until midnight, when workers had to sleep on the roadside,

without cover. Only two and a half hours of sleep were allowed. They would resume work in the dark and were not allowed to stop or eat until noon. This was the only meal, and it lasted one hour. Only a handful of cooked rice was provided. Sometimes no water was allowed. Between 8 and 20 days of service were required before release. Those who escaped during service suffered attacks on their families and were usually beaten to death, as were those too ill or slow to keep up. Malaria also took a heavy toll. No medical treatment was made available and injuries were common. Mr. Jalil has a wide scar the length of his right leg, where a boulder fell on him. He was never released at the time of the injury. He also has multiple scars from punctures during beatings.

Sabed Ali, 29, a farmer from Bardaija village, Maungdaw township, reported that one morning in early 1991 he came out of his house to pray at about 6 a.m. Someone aimed a flashlight in his eyes, and a soldier told him to come forward. He ignored the order and went on praying. They made a leap for him, a chase ensued and he was soon surrounded. His elbows were tied from behind, and he was loaded with 40 kilos of rice. He was then made to walk several hours to Bardaija Camp, a military outpost. He then had hot water poured over his face until he promised he would not resist forced labour again. He was released after one month, during which he was forced to carry heavy loads with almost no rest, food or water. Mr. Ali reported that the age of the other porters ranged from three men over 70, to several over 50 and a nine year-old boy.

Magbul Ahmad, 30, from Donchara village, Buthidaung township, reported that he had been working intermittently during a year and a half as a forced labourer on the construction of a major highway across Akyab District. He saw many of his fellow workers on the road crews die of mistreatment, beating, exhaustion and malnutrition. Water was not supplied to the workers. He once saw a labourer ask a soldier for a drink, then watched the soldier urinate in a cup and give it to him. Mr. Ahmad has gone as long as seven days on the work crew without being allowed to steal away for a drink from a stream or a pond. The only food the workers were allowed was a tiny portion of rice and greens per day. At night, they had to sleep under guard on the road that they were building.

Nur Alam, 30, from Bawly Bazaar, said that the army chose forced labour crews from alternative houses and that the village head was responsible for replacing the labourers. The previous crew was not released until their replacements were sent. Muslims were constantly told they were not Burmese, but from Bangladesh. In early 1992, soldiers forced over 400 Muslims to work on a pond for 20 days. They were beaten and had to work in the cold.

Faruq Ahmad, 35, provided information similar to that given by Nur Alam. Crews of eight persons sent by the village head received an eight-day term of duty; crews taken by force had an indefinite term of forced labour. Also, if the village head would fail to provide an alternate crew of eight men, he himself would be obliged pay a fine of 50 Kyat (US$8) per man he could not provide. Mr. Faruq worked as a forced labourer for as long as 25 days at a time.

Dil Mohammad, 27, from Naikaengdaung village, Buthidaung township, reported that shortly after the 1990 elections, massive construction projects were begun by the military with forced labour on Muslim land. Muslims were told by the military in charge of the projects that 'This is not your land, it is ours.' They were also told 'You are Bangladeshi tourists with foreign identification and you don't own land.' The housing was said to be for military families at first, but soon the units were full of non-Muslim Burmese from other cities. Dil Mohammad was abducted for house and road construction many times over the past two years. Sometimes he was held for as long as three months without a break and allowed to eat only a handful of cooked rice a day. His father, while serving as a forced labourer, was beaten to death in public in order to serve as an example for other villagers.

Mohammadullah, from Taungbru, Maungdaw township, had continually been obliged as a village headman to recruit and supply forced labourers from among his fellow Muslims. In early 1991 he was confronted with soldiers who demanded that he turn over a crew of forced labourers. When Mohammadullah refused to do so or go himself, a SLORC officer named Bulachi reportedly shot at him, seriously injuring both Mohammadullah and his son-in-law.

Killing during porter duty

Some deaths on porter duty are reportedly deliberate executions while others are due to ill-treatment. In many cases, if porters collapsed from exhaustion or could no longer stand after being beaten or kicked, they were left by army troops lying on the ground to die. The following specific cases of death during porter duty were brought to the attention of the Special Rapporteur:

Nur Islam, 35, was reportedly beaten to death with the butt of a gun by the military in early 1992. One of his relatives from Maungdaw township reported that Nur Islam could not carry his load of ammunition and had fallen down. The military beat him to death and left his body by the side of the track, about 5 miles away from the village, in the mountains.

Abdul Mozid, from Nairainchaung, was beaten to death in mid-February 1991 because he was unable to carry his load of rice sacks.

Ahmed Zuri, an old man from Buthidaung township, was shot dead by a soldier because he could no longer carry his load up a steep hill and had fallen down onto a lower ridge.

Fazil Alam, 45, a farmer in Naikaengdam village, Buthidaung township, had been taken many times as a forced labourer for road construction, usually for two or three days at a time. In December 1991, he was once again taken for forced labour. One day, soldiers appeared at his house and gave his wife a bundle of bloody clothes she recognized as her husband's. They told her that Fazil Alam had been unable to carry the load he was given and that they had beaten him to death.

Imam Hussain, the grocer of Imamuddin Para village, Rakhine State, was seized by soldiers on 30 November 1991 in his store, informed that he was a porter for the army and was made to carry a heavy box of ammunition. After a

few miles, Hussein reportedly told the soldiers that he did not have the strength to carry his load any further and received a brutal beating. He was subsequently nailed to a tree with his arms outstretched and killed with the thrust of a bayonet in his chest.

Jaffra Ahmed, from Maungdaw township, died in February 1992 while digging bunkers for an army camp.

Beshir Ahmed, Raschid and Mahmood reportedly collapsed after being beaten and were left on the road.

Shwe Hla (alias Shonsul Allu), 30, from Bolikinchaung village near Maungdaw, is reported to be missing.

Abul Husso, from Buthidaung township, was reportedly taken as a forced labourer in early 1991 and has never returned since.

Hafis Ayu, who had been taken for forced porter duty in late 1991, reportedly never returned to his home.

Moli Amirakhin, a Muslim cleric from Taminchaung village, Buthidaung township, who had been taken as a forced labourer in late 1991, has never returned to his village.

Ill-treatment and rape

It has been reported that ill-treatment of Muslims by the army and the Lone Htein' (a paramilitary security force used to control civil unrest who also act as border patrols) in Rakhine State also occurred outside the context of forced portering during 1991 and early 1992. Muslims were allegedly ill-treated if they attempted to protest when security forces attacked other Muslims, if they objected on their own behalf, if they were suspected of opposing the SLORC, and sometimes for no apparent reason. There have also been numerous reports of women being raped when their husbands were taken away for forced porter duty. Muslims were also ill-treated when they were stopped by the Lone Htein on their way to Bangladesh, or when security forces stole crops and other goods. The following specific cases of ill-treatment and rape have been brought to the attention of the Special Rapporteur:

Layla Begum, 16, was staying at the house of her brother, the headman of Imuddin Para village, Rama Musleroy, Buthidaung township. On 1 February 1992, at about 9 p.m. soldiers forced open the door of her brother's house. When they noticed Layla, they undressed her, molested her violently and dragged her away. Eight days later, her body was found in the jungle near the house. She appeared to have bled to death from her vagina. Her brother, Abdul Halim, who had gone a few days earlier to the local army camp to ask about his sister, was found dead a few days later.

Jahura Khatu, 30, the widow of Fazil Alam, a farmer in Naikaengdam, Buthidaung township, who has been mentioned above, reported that soldiers came to her home time and again at random to rape her and to demand money and food after her husband was reported to have been beaten to death while on porter duty in December 1991. A month after her husband's death, several soldiers

came one night, raped her again and took her out of the house where three young women, all unmarried, were forced at gunpoint to walk with her to Naikaengdam Camp. The women were given no food or water and were raped by officers throughout the night and all the following day. They were told that they would be released if they promised to bring other women to the camp. The women were subsequently released and decided to escape to Bangladesh.

Oziba Khatun, 20, from Napura village, Maungdaw township, reported that she and her husband, Abdul Haq, 28, had been abducted many times for forced labour under very harsh conditions. When soldiers came to their house one more time in early 1992, her husband hid in the bushes. The soldiers took Oziba Khatun instead, and she was forced to leave her two children in the house and walk for five hours with the soldiers, until they arrived at a camp where she was raped by officers all night. Her husband came to find her at the camp the next day and she was released, but he was kept at the camp and was never seen again.

Rohima Kathun, 35, a widow from Shigdarpara village, Maungdaw township, reported that during the last months of 1991, soldiers from the Charmael Camp, Luntin battalion, went from house to house, collecting girls between the ages of 12 and 16. Survivors of these abductions had always been raped. In December 1991, she received a letter from the military post four miles away from her home asking her to send her daughter to the camp. She did not respond and four or five soldiers burst into her house soon thereafter. They grabbed her daughter and carried her out screaming, clubbing the girl's fourteen year-old brother who tried to protect her. Rohima Kathun waited six weeks for news of her daughter and then decided to flee to Bangladesh.

Dilara Begum, 16, from Hashuradha village, Maingdaw township, reported that in mid-February 1992, she was at home with her three week-old baby. Her husband, Habibul Rahman, 30, had been serving as a forced labourer but was allowed to come home every night. When he once failed to report to the camp on time, two soliders came to her house and asked for the whereabouts of her husband. She did not answer and was immediately seized and raped by both soldiers in front of her family. Dilara Begum reported that she had been raped by soldiers on many occasions over the past two years, and that this abuse was common in her village.

Jaharu Begum, 20, from Lapia, Devina, Akyab District, reported that in November 1991, four or five soldiers came to her house at about 1 a.m., kicked down the door and abducted her husband for forced labour. Three days later, the same soldiers came back at 1 a.m. or 2 a.m. and took her to the camp, punching and hitting her with rifle butts during the one-hour walk. At the camp, several soldiers raped her continously for approximately 16 hours.

Gul Mar, 25, from Ludengpara, Buthidaung township, reported that one afternoon in October 1991, soldiers came to the house where she was living with her husband, 18 month-old daughter and infant son. She was taken, together with 120 other women from her village. Their hands were tied behind their backs and some of them were begging to bring their children along. The soldiers reluctantly untied some of the women to enable them to carry their children. During a march which lasted eight hours, the soldiers grew tired of the crying children. One by one, they took them from their mothers and threw

them by the roadside. Gul Mar estimated that 20 children were lost in this way that night, including her own small daughter. When they arrived at the Taraing military camp, she was taken to a room and raped several times a day by groups of four to five soldiers, for seven days. Her family was informed by the military that they would have to pay a ransom of 500 Denga (US$75) for her release. The families of all 120 women who had been abducted were also asked for ransom in the same amount. Most of the women returned but some were never seen again. A number of bodies, such as that of Gul Mar's friend, Rohima Kathun, 30, were subsequently found near the village that week. Gul Mar never found her daughter again.

Doya Banu, 25, from Hangdaung village, Buthidaung township, reported that about 7 p.m. on 1 February 1992, soldiers from the 82nd Company based in Thentarang Camp were going from house to house abducting both men and women to be taken to the camp. As her husband was away on forced labour, she was dragged from her house, her hands tied behind her back, and was tied to a group of about a dozen women which included four or five elderly women. Upon arrival at the camp, after having walked all night on rough terrain, they were separated 'by beauty' and the old women and children were made to sit outdoors under armed guard while the other women were taken into rooms by soldiers. Doya Banu was raped continuously for three or four days, without rest or sleep. She was given a cup of rice only after two days. Finally, her husband was able to pay a ransom and she was allowed to go home, but he was kept for two more weeks of forced labour.

Gulbahar, the 12 year-old sister of Mohammad Rafiq, 25, from Bawli Bazaar, Akyab District, was at home when five soldiers came at noon on 10 February 1992 to collect men for forced labour. The soldiers took turns raping the girl in front of her family and subsequently carried the child away. The family has never received news about her since.

The wife of Sayed Hossein, 25, from Bawli Bazaar, Akyab, was raped in the second week of January 1992 by soldiers who had come to take away young men for forced labour.

Aisha Khatun, 25, from Labadogh village, Buthidaung township, reported that five soldiers kicked down the door of her house one night in early December 1991, saying they were collecting labourers. When she told them that her husband was not at home, they carried her outside, tore off her clothes, blindfolded her with a rag, and while two or three soldiers held her, each of the five took turns raping her. Her husband, who had come out of the house to defend her, was hacked to death with a long-bladed work knife.

Zahida, 17, from Buthidaung township, was raped and killed by the army in late February 1992. Her body was subsequently found on the rubbish dump outside the village.

When Zohra, the widow of Imam Hussein who has been mentioned above, found her husband's mutilated body nailed to a tree, the soldiers who had killed him started raping her. A week later, she and her 12 year-old sister were taken by soldiers to the Lawadong army camp and locked in a room with approximately 40 other women. The soldiers would come into the room, choose a woman and repeatedly rape her in front of the others. Her sister died after five days.

Summary executions

According to the information received, the killing of Muslim civilians by the Myanmar armed forces has occurred also outside the context of forced portering. It has been reported further that many refugees have been executed, even though they had been pressed to 'return' to Bangladesh. The attention of the Special Rapporteur has been drawn to the following specific incidents:

Mohammad Shah, 30, reports that on 3 January 1992, a group of about 200 Muslims from Azarbil, Maungdaw township, had decided to leave Myanmar for Bangladesh. A day later, a villager informed him that his uncle, who was in the group, was detained at the Napru military camp. He went to the camp but was unable to obtain any news about his uncle. He recalled distinctly, however, that he had heard the screams of women from buildings in the camp. On 5 January, Mohammad Shah discovered his uncle's body near their village. No marks of abuse were evident. He found four female bodies the following day and recognized them as his neighbours who had joined the group that had left for the border. A number of survivors of the killing who had been detained at the camp or in Maungdaw prison confirmed that his neighbors had been killed but declined to discuss the matter further, as they were released on the promise of keeping silent.

On 9 February 1992, Myanmar security forces are reported to have killed at least 20 Muslims who were attempting to cross the Naaf River into Bangladesh a few days earlier. Thirty-five others reportedly died as a result of drowning. Eyewitnesses have allegedly indicated that scores of people attempting to flee were deliberately killed on the boats by members of the security forces and by Rakhine civilians whom the security forces did not attempt to restrain. Between 100 and 150 persons were reportedly arrested by the Lone Htein and were not heard of again. A boatman is reported to have seen soldiers shoot at three boats carrying refugees crossing the Puyuma canal which joins the Naaf River at Okpyuma village, killing approximately 40 people.

Hafez Ahmad, 32, the owner of a small shop in Tongbazar village, Buthidaung township, reported that when he left for Bangladesh along with 1,500 villagers on 20 February 1992, soldiers had encouraged them to go. They travelled 40 kilometers to the Ghacharibil Crossing on the Naaf River, where they hired about 20 boats to take them across. There were 20 to 25 soldiers at the river and they began taking money and jewellery from the refugees. The soldiers are said to have become increasingly hostile and began to take even clothes and rice. Finally, they began snatching the smallest children from their parent's arms and swinging them 'like sacks' by their ankles, beating their heads time and again against the river bank. Hafez Ahmad saw approximately 10 children killed in this way. The soldiers later shot at the boats crossing the river, sinking one and injuring many refugees.

Fatema Khatun, 30, reported that on 26 February 1992, she and her family had left Goalangi village, Buthidaung township, along with a group of 600 to 700 other people. On 3 March, as they came near the Daijarkhal river, they were surrounded by 40 to 50 armed soldiers. Fatema Khatun and her son who had been wounded had fallen behind and went unnoticed. Suddenly, the soldiers

began firing into the crowd. She clearly saw her father shot in the chest and her husband take at least one shot as well. In the ensuing confusion, she could not find the other members of her family and has never heard about them since.

On 4 March 1992, Burmese troops reportedly captured more than 300 Muslims trying to flee across the Naaf River into Bangladesh, took away the young women, and shot dead many of the remaining refugees.

In February 1992, a mixed team of Lone Htein and soldiers came late at night to the house of a retired teacher from Maungdaw township who had helped the local authorities collect crops and money from the villagers in order to give them to the army. When the teacher refused to collect goods from the villagers because of the late hour, they cut his throat with a knife in front of his wife and took all the valuables from their house.

Abdul Rahman, about 30, a farmer from Buthidaung township, was sitting outside his house when the MI 18 (Military Intelligence) came and shot him dead in the street, on suspicion that he belonged to an insurgent organization, which was not the case.

A former government official from Maungdaw township witnessed the killing, in late February 1992, of a farmer whom he had tried to help by trying to mediate between him and the 25 soldiers who demanded that he give them his cows, his sole means of livelihood. The official was reportedly standing next to the farmer, trying to persuade him to hand over his cows when soldiers shot the farmer dead. The soldiers then accused the official of discouraging the farmer from cooperating and slashed him across the head with a bayonet.

Abdul Halim, the headman of Imuddin Para village, Rama Musleroy, Buthidaung township, had returned from forced labour with the military to find that his sister, Layla Begum, and his brother had been abducted by soldiers on 1 February 1992. He went to the local army camp to inquire about the disappearance. Twenty-one days later, his body and that of his brother were found in the jungle near the village. Their genitals had been cut off, eyes gouged out, both hands cut off and they were cut down the torso into two pieces.

Religious persecution, eviction and population transfers

The acts of religious persecution to which Rohingyas are reportedly subjected involve the closing and destruction of mosques, harassment and killing of religious leaders and worshippers, a ban on most forms of religious activity and the inability to obtain Islamic books and materials. Numerous Muslims are said to have been subjected to random acts of harassment in public places. There have also been numerous reports of the military and Lone Htein officers confiscating or tearing the National Registration cards of Muslims. In 1991, the Marakesh mosque in Maungdaw was reportedly closed while 800 persons were inside. On 3 April 1992, the armed forces reportedly killed more than 300 and wounded more than 150 worshippers at the Maungdaw mosque, when more than 3000 persons are said to have been assembled to celebrate the end of the month of Ramadan. According to the information received, the army, which

justified its intervention by stating that the worshippers had broken the seals placed on the doors of the mosque, encircled it with cannons and fired at the crowd with heavy machine guns. Soldiers are also said to have thrown grenades inside the building.

According to the sources, there appears to be a government policy of moving non-Muslim Burmese into northern Rakhine State in an effort to displace the people the government calls 'foreigners'. Muslims are said to have been virtually prisoners of their provinces since 1964, not being allowed to travel even between villages within a single township. The population transfers are said to have intensified the persecution of Muslims. The following specific cases were brought to the attention of the Special Rapporteur:

Abdul Shokur, 50, a watchmaker, part-time farmer and village teacher of Islam from Kandaung village, Buthidaung township, stated that before May 1990, pressure on Muslims used to be sporadic. Every Muslim had an identity card which designated him or her as a 'foreigner' without Burmese citizenship. No Muslim could travel without a permit, especially to Rangoon. The fee for obtaining a permit was 4,000 to 5,000 Denga (US$600 to 750), or 10 times the average monthly salary in Akyab District. Muslims were frequently told they were not Burmese but from Bangladesh. The persecution of Muslims is said to have become commonplace after the May 1990 elections. Mosques were at first locked up, and then destroyed throughout the area with forced Muslim labour, and Buddhist temples were reportedly built in their place. Agricultural land was confiscated from Muslims for military use or distributed to non-Muslims in housing projects built with forced Muslim labour. About 150 Muslim homes in Kandaung village were expropriated in favour of non-Muslims and 150 new buildings were built to house the newcomers. Non-Muslim newcomers reportedly received one cow, land, as well as military and agricultural training. The military training of civilians, including the use of arms, increased the level of abuse against the Muslims, as they frequently joined soldiers in beating and looting. Random harassment of Muslims increased as well. Abdul Shokur further reported that one day soldiers discovered him teaching the Koran to children. They ridiculed him, threw the book on the ground and stomped it with their boots. It was at this point that he decided to flee to Bangladesh with his family.

Abdul Salam, 25, from Kandaung village, Buthidaung township, reported that a housing project for urban non-Muslims had been built during 1991 on Muslim land by forced labour in which he had taken part. Soldiers and non-Muslim civilians had also abducted Muslim men to train the newcomers in agricultural activities, in much the same way forced labour crews were collected for road construction. He reported that non-Muslim civilians were provided with military training and weapons, which prompted the random harassment, bullying and beating of Muslims.

Nurul Eslam, 20, a student of Islam from Kuansibaung village, Maungdaw township, reported that in March 1991, all Islamic schools in his village were closed, on orders 'from above', according to the soldiers. Harassment by troops included orders for all Muslims to get out of Burma and 'go back' to Bangladesh.

Mohammad Yonus, 50, from Miumaungkora village, Maungdaw township, reported that the mosque in his village had been destroyed by forced Muslim labour under military orders. All Muslims had been ordered to stop prayers. Mohammad Yonus was reportedly beaten on occasion for praying in a field near his home. Forced Muslim labour was used to build housing for non-Muslims in his village.

Abolhashem, 20, a student of Islam from Singdaung village, Buthidaung township, reported that one day, he and four friends were walking to the market with religious books in hand after class. A group of soldiers and non-Muslim civilians who had recently moved into a new housing project reportedly stopped the youths and began to ask questions about their books. The soldiers and the civilians then pushed the students down the road to their Islamic school. The young men were released, but four teachers were taken in their place. The local mosque had been demolished earlier with forced Muslim labour and a Buddhist temple had been built in its place. A teacher who said something in Bengali at prayer time was immediatly beaten. When another teacher started praying in Arabic, the group of soldiers and civilians immediately started beating all four fiercely. They were then ordered to pray aloud to a statue of the Buddha, which they refused, and the beating continued. Finally, the soliders took the teachers to Buthidaung camp where they were detained until the next day, when the Muslim community had collected enough money to pay a ransom. Abolhashem further reported that shortly after the incident, the school was surrounded by about 30 soldiers when 500 men and boys, aged from 10 to 40, were studying inside. They tied the hands of all those present and made them walk to Fumali camp. They were subsequently forced into portering for days in the mountains, without food, water or rest. Many reportedly died from exhaustion and ill-treatment. Only about one third of the original group survived to reach the Afored Dala camp. Eventually, they were told to walk to Bangladesh, and many died on the way.

The Special Rapporteur has also been informed that Mohamed Ilyas, 60, a Muslim member of parliament from Myothugyi village near Maungdaw, was reportedly beaten to death in military barracks on 19 June 1992 because he refused to go to Bangladesh to try to persuade Muslim refugees from Rakhine State to return home, after an agreement was signed by the SLORC and the Government of Bangladesh on 28 April 1992. Mr. Ilyas is said to have been arrested on 16 June together with four other parliamentarians. The soldiers are said to have returned his dead body to his family on 23 June. The four other deputies, including Fazal Ahmed, were reportedly seriously injured and are detained in a military prison.

Persecution of Christians

According to additional information received by the Special Rapporteur, Christians have also suffered persecution in Myanmar, especially in the area of the Irrawaddy delta. It has been alleged that villages have been bombed, churches raided and that pastors have been killed or have disappeared.

At the beginning of October 1991, a number of pastors from the Bogale, Tee Tant, Ket-Thamaing and Kayin Sabyuzu villages are said to have been imprisoned. Some of them are reported to have been executed. The following pastors are reportedly known to have been executed:

- Rev. James, Tee Tant village
- Elder Po Beh, Deacon of the church, Tee Tant village
- Rev. Daniel Tun, Hti Mulu-Kaimggyi village
- Pastor Thra Raynor, Klo Doh village
- Pastor Thra Ah Play, Klo Po village
- Pastor Thra Silas, Kathamyin village

A number of pastors were also reportedly executed in Ohn Bin Su village. In mid-October, the pastor of Singugyi village, Thra Tse Eh Gay, is reported to have been shot dead when he left the church after the service. The young son of pastor Taw Ler from Kaw Le Lu village was allegedly beaten unconscious and taken to the town of Labutta. There has been no news about him since. On 18 October 1991, numerous pastors were reportedly killed in villages near the town of Ngaputaw. The following pastors are said to have been arrested on that occasion:

- Pastor Johnny Htoo, Hti Mu Lu village
- Pastor Saw Khay, Kaw Kaw Lu village
- Pastor Lah Bah, Thet Po Lu village
- Pastor Htoo Set, Ka Ser Htoo village
- Pastor Bar Tha Aung, Kyauktan village
- Pastor Harry, Kyauktaloue village
- Pastor Harcourt, Hlaingboue village
- Pastor Tsar Eh Gay, Hsingugyi village

Numerous pastors are said to have been killed in November 1991 when the entire Kawlelu village was set on fire by the army. Also in November, troops reportedly entered Eh Eh village in Tavoy District and forcefully raided during worship a protestant church which was full at the time. They arrested the congregation and segregated the men and women. The latter were then ill-treated and raped by the soldiers. The soldiers are reported to have subsequently set fire to a number of houses in the village and killed 24 persons."

46. On 12 November 1992, the Permanent Mission of the Union of Myanmar to the United Nations Office at Geneva transmitted the following information to the Special Rapporteur with regard to the above-mentionned allegation:

"First of all, I should like to say categorically that the allegations to the effect that there is discrimination against people residing in Myanmar based on religion are totally untrue. In Myanmar, the major religions - Buddhism, Islam, Christianity and Hinduism - live side by side, flourishing and living in complete harmony. It is true that a large majority of the Myanmar nationals are Buddhists. Buddhism is a tolerant religion. Myanmar's culture goes back as far as thousands of years. Its culture is known for its gentleness, compassion and tolerance. This deep and rich culture ensures that there is great respect for other religious faiths. One who has been to Yangon (Rangoon), the capital, will notice that right at the centre of the town, there are a Buddhist pagoda, a Christian church, an Islamic mosque and a Hindu temple - all symbols of major religions thriving in Myanmar.

Even in the olden days, the Myanmar kings as devout Buddhists liberally decreed the promotion of other religions by way of the construction of mosques

and churches with funds from the royal treasury. Royal edicts were issued, allowing the subjects to profess any religion of their choice. The Myanmar king, King Mindon Mingyi, donated and arranged to build a rest-house at Mecca for the benefit of the Myanmar Muslims who went on Haj pilgrimages. Side by side with Buddhist temples, there are mosques and churches all over the country. There are 66 mosques in Yangon alone and some 1,300 in the whole country.

This deep-seated tradition of religious tolerance is well-maintained right up to this day. People of Islamic faith are given facilities to make their Haj pilgrimage to Mecca. Facilities are also extended to the Christians to attend religious conferences of various denominations.

With regard to the allegation that the people of Islamic faith in Myanmar are being persecuted, I should like to refer to the statement made by the General Secretary of All Myanmar Moulvis Headquarters made on 24 July 1992 at the Zafar Shah Mosque in Yangon to the people of the Muslim faith. He categorically stated that the allegations were fabricated by some big countries and certain foreign news agencies. Again, on 25 July 1992, at a ceremony welcoming back the Haj pilgrims, the Myanmar Muslims National Affairs Committee Chairman also stated that there is freedom of religion in Myanmar since the period of the Myanmar kings and called on those who crossed over to Bangladesh to come back to Myanmar with trust in the government.

I should like to stress here that because of the fact a large majority of the Myanmar nationals are Buddhists, the Government is prudent and careful in taking measures so that there is no discrimination against the other religious faiths in Myanmar. For this reason, a separate Ministry for Religious Affairs headed by a Minister of Cabinet rank was established in March 1992. This Ministry is to facilitate the promotion and propagation of the various religious faiths, including Islam, in Myanmar.

Now, I should like to refer to the matter of people who crossed over to Bangladesh. Since the first Anglo-Myanmar war in 1824, Muslims of Bengali stock had entered Rakhine (Arakan) State illegally from across the border. After annexation of Myanmar, the British administration adopted a policy of liberalizing immigration regulations in order to import labour from India to work on the agricultural lands largely devoted to growing paddy. During the course of the years, the number of such immigrants increased culminating in illegal settlement creating problems for the local populace. Recently, the Immigration officials conducted routine checking of the National Registration Cards in the area. Those who did not want to submit themselves to examination of their registration cards fled to the other side of the country. Among those who fled were mostly poor people who were lured by stories that relief food and goods were being distributed on the other side. Some left because they were threatened by terrorist insurgents to burn down their houses. The flow of these people to Bangladesh was essentially an illegal immigration problem. This problem was the cause of the people going over to that country. The same problem was the cause of the outflow of people of Bengali stock back in 1978.

Now about the so-called 'Rohingya people'. The so-called 'Rohingyas' never belonged to the national races or national racial groups of Myanmar.

The Rohingyas do not exist in Myanmar either historically, politically or legally. Nor do they in any way represent any segment of the population in Myanmar including those professing the Islamic faith. The so-called 'Rohingyas' is an invention of insurgent terrorist organizations like the Rohingya Solidarity Organization (RSO) and the Arakan Rohingya Islamic Front (ARIF). Both organizations are alien to Myanmar in form and content and are largely supported and patronized from abroad.

As I have stated earlier, Myanmar saw the illegal entry of people of Bengali stock after the first Anglo-Myanmar war in 1824. At the end of the Second World War, plenty of arms and ammunition came into the hands of the people in that area. When the euphoria generated by the creation of Pakistan spread over Buthidaung and Maungdaw districts in Rakhine State, it gave birth to a political movement known as 'Mujahid Movement' led by one Abdul Kassim from Maungdaw township. Its demand was that Buthidaung and Maungdaw areas (situated in Rakhine State) to be designated as a Muslim State to be amalgamated with East Pakistan, now Bangladesh. The so-called Rohingyas are descendants of this alien terrorist insurgent movement. The said RSO and ARIF are the two main organizations responsible for the terrorist activities inciting the people of Islamic faith to cross over to the other side.

Now about the allegations against the Myanmar Armed Forces (the Tatmadaw).

The Myanmar army is the National Defence Force that in its growth underwent a metamorphosis as a Burmese Independent Army (BIA), the Burma Defence Army (DBA) and the Patriotic Burmese Forces (PBF) which had its beginnings in the early 1940s. In fighting or striving for national independence the Tatmadaw fought hand in hand together with the people, a struggle in which all the indigenous national races participated. The Myanmar army was born out of the national struggle for independence and follows the tradition of serving the people's interest loyally and faithfully. It is a carefully built and organized force that has been nurtured to defend the national interest. The Tatmadaw is a methodically and systematically organized institution made up of highly trained and disciplined personnel. Each member is pledged to conduct oneself in conformity with a prescribed code of ethics and is enjoined to respect the cultural traditions and customs of the local people. This training and tradition is fiercely maintained and observed by every member. Any misbehaviour or misconduct by a member is not tolerated or condoned. In view of these qualities, the grotesque allegations made against the Tatmadaw are totally false.

I feel that I have adequately covered and rebutted the allegations made against the Myanmar armed forces.

With regard to the allegations relating to individuals contained in the Annex attached to your letter, I should like to say that the allegations are based on fabricated and fraudulent evidence and are therefore mendacious."

47. With regard to the very specific allegations which the Special Rapporteur sent to the Government of Myanmar, he has noted that its reply was limited to specifying the principles of religious liberty which are said to be respected in this country and to describing the important role played by the Army of

Myanmar in the political, social and security context. The Special Rapporteur is, nevertheless, of the opinion that the concrete cases concerning the exercise of the freedom of religion by the members of the Muslim and Christian faiths merits an investigation that would identify the persons, locations and situations concerned, which has not been carried out. The Special Rapporteur believes that the fact that the acts in question have been attributed to terrorist groups does not relieve the Government of its responsibility to conduct an inquiry.

## Pakistan

48. In a communication of 30 October 1992 addressed to the Government of Pakistan, the following information was transmitted by the Special Rapporteur:

"Information concerning Christians

According to the information received, members of religious minorities in Pakistan are said to have felt increasingly vulnerable since the passing of the Enforcement of Sharia (Islamic law) Act 1991 which has entailed on 29 July 1991 an amendment to Section 295C of the Pakistan Penal Code concerning the offence of defiling the name of the Prophet Mohammad (Gustakh-e-Rasool). Section 295C was added to the Pakistan Penal Code through the Criminal Law Amendment Act 1986 in order to provide life imprisonment or the death penalty for the criminal offence of defiling the name of the Prophet. By removing the alternative punishment of life imprisonment, the amendment to Section 295C of the Pakistan Penal Code makes the death penalty the mandatory punishment for this offence. It has also been alleged that since the second half of 1991, Islamic law has been invoked with greater frequency against Pakistani citizens of Christian faith although the 1973 Constitution stipulates that it should not be applied to non-Muslim religious minorities. It has further been alleged that commenting on or writing against the Enforcement of Sharia Act 1991 and the amendment of Section 295C of the Pakistan Penal Code may, in the present circumstances, be liable to prosecution under these very laws.

According to the information received by the Special Rapporteur, a number of Christians have already been charged under Section 295C of the Pakistan Penal Code. Professional enmity or rivalry in business have been cited as a frequent cause for Christians to be charged and imprisoned under Section 295C, and it is alleged to have compounded their sense of insecurity and fear of intimidation and harassment. Cases of Christian children working as domestic servants who were forcibly converted to the Muslim faith are said to have occurred as well. A nine-year old boy employed in a workshop owned by a Muslim is also said to have been converted to Islam by force. In addition, the Special Rapporteur was informed that a decision has been reached by the authorities to have the religion of all citizens indicated on their identification cards.

The following specific incidents involving Christians have been brought to the attention of the Special Rapporteur:

Naimat Ahmer, 45, a Christian schoolteacher and well-known author, was killed on 6 January 1992 in Faisalabad, near Lahore in Punjab province, because he had been accused of defiling the name of the Prophet Mohammad on

anonymous handwritten pamphlets which appeared on the village walls. According to the information received, Farooq Ahmed, 20, a student and son of the local butcher, called Mr. Ahmer outside his office at the District Education Department under the pretext that he had a message for him, hit him on the head and stabbed him 17 times before cutting his throat. When he was questioned at the office of the Superintendent of the District Jail why he had killed Mr. Ahmer, Farooq Ahmed reportedly answered that he had heard in the village that a Christian schoolteacher had insulted the Prophet, adding that Mr. Ahmer never did so in his presence.

It has been reported that when Farooq Ahmed told the policemen who arrested him why he had committed the murder, several of them kissed him. Farooq Ahmed allegedly stated that he felt no guilt for the crime he had committed as he felt it was his religious duty and because numerous members of the clergy and teachers told him that he would be released on bail. They are reported to have told his father that his son had rendered a great service to religion and to have congratulated him. It has also been alleged that the Muslim community has been exerting pressure on the authorities to have Farooq Ahmed charged with manslaughter rather than premeditated murder.

According to the sources, Mr. Naimat Ahmer was posted three years ago as headmaster of the Miani High School at chak No. 247 and is said to have become popular with his students because of his teaching methods. A number of teachers reportedly became envious of Mr. Ahmer because he was a Christian who was running the school without asking them for guidance, and tried to turn the students against him, to no avail. They succeeded, however, in having the Education Department conduct an inquiry concerning Mr. Ahmer for lack of discipline. No evidence was found. Mr. Ahmer's adversaries nevertheless managed to have him transferred to the post of senior schoolteacher at the Zamindar High School in the village of Dasuha near Faisalabad, chak No. 242. A number of teachers once again unsuccessfully tried to turn the students against Mr. Ahmer, as they reportedly wanted Mr. Allah Ditta, the uncle of Farooq Ahmed who subsequently killed Mr. Ahmer, to be appointed in his place. On 18 December 1991, an anonymous handwritten pamphlet appeared on the walls of the school, houses and shops in the village, accusing a Christian teacher of disgracing Islam and spreading anti-Islamic propaganda. The headmaster of the school was asked to inform the police and Education Department that a Christian teacher had insulted the Prophet and a committee of teachers was appointed to conduct an inquiry. All of Mr. Ahmer's students reportedly indicated that he had never said anything against Islam. Fearing for his safety, Mr. Ahmer is reported to have sought a transfer from Zamindar High School and was subsequently transferred to the District Education Office in Faisalabad. It was reported that a direct witness to Mr. Ahmer's alleged blasphemy has never been found and that he was a victim of hearsay and professional enmity.

Tahir Iqbal, 32, an Associate Engineer with the Pakistan Air Force who had retired for medical reasons, died on 19 July 1992 in Kotlakhpat Central Prison in Lahore. Mr. Iqbal, who was confined to a wheelchair, had converted to Christianity in 1989 and went to live at the Nishat Christian Colony in Lahore. He was imprisoned on 7 December 1990 on charges of defiling the name of the Prophet Mohammad and desecrating the Koran. Mr. Iqbal had allegedly underlined a number of verses and wrote notes on the margin of an English

version of the Koran which was found in his possession. Muslim clergy reportedly pronounced a fatwa (religious ruling) against Mr. Iqbal declaring him a murtid (an infidel whose killing would constitute a religious deed). The District and Session judge who conducted his trial reportedly refused to release him on bail on the grounds that Mr. Iqbal would be safer in prison as fanatics would put his life in danger if he were to be released. The Supreme Court of Lahore is said to have also rejected his requests to be released on bail. It has been alleged that during his incarceration, pressure was constantly exerted on Mr. Iqbal to renounce his faith. The Special Rapporteur was also informed that a list of persons who had converted to Christianity in the past, a number of whom have become bishops in the meantime, had been made public recently. It is feared that they may face hardships as a result.

Chand Barkat, a prosperous Christian shopkeeper from Karachi, was arrested on charges of blasphemy on 8 October 1991, shortly after having had a dispute with a Muslim shopkeeper. His trial has been postponed several times since the persons who had accused him of the offence did not appear at court. Eyewitnesses have reportedly stated that Mr. Barkat never said anything to warrant such charges. Mr. Barkat is said to have been flogged and his requests to be released on bail were reportedly rejected. He continues to be detained in Karachi Central Prison. It is feared that Mr. Barkat was denounced on the basis of professional rivalry.

Bashir Masih and Gul Pervaiz, two Christian youths from Faisalabad, were arrested on 10 December 1991, reportedly on charges of defiling the name of the Prophet. It has been alleged that a number of clergymen have issued a religious ruling condemning them to death. Mr. Pervaiz is said to still be detained.

Gul Masih and Bashir Masih, two young men from Sarghoda, were arrested at the beginning of January 1992, reportedly on charges of blasphemy, and are said to have been released soon thereafter. When they learned of the release, more than 200 members of the Muslim clergy allegedly organized a protest meeting. Ameer Maulana Jalal-uddin, who presided over the protest meeting, is said to have told the audience that all Christian leaders should be immediately hanged and in particular the two young men who had been accused of blasphemy. He reportedly stated that they were to be summarily killed since more than 200 members of the clergy had pronounced a fatwa (religious ruling) condemning them to death.

Bantu Masih, 65, a prosperous Christian shopkeeper from Lahore, is said to have been arrested on charges of blasphemy. He is reported to have been attacked at the police station by a Muslim youth armed with a dagger. Mr. Masih was seriously injured and spent a month recovering in a hospital. He was reportedly told that he would not be accused of blasphemy if he chose to drop the charges against his assailant. Mr. Masih is alleged to be hiding for fear that his flourishing business would continue to cause envy among Muslim shopkeepers.

Information concerning Ahmadis

It is feared that the amendment to Section 295C of the Pakistan Penal Code concerning the offence of defiling the name of the Prophet Mohammad (Gustakh-e-Rasool) may be particularly prejudicial to Pakistani citizens belonging to the Ahmadi faith who are estimated to number 3 to 4 million. Since reference by Ahmadis to the Prophet Mohammad is considered by orthodox Muslims as blasphemy, the amendment mentioned above would make the death penalty the mandatory punishment for the peaceful exercise of their religious beliefs, although it applies to anyone showing disrespect to the Prophet. Ahmadis were declared a non-Muslim minority by an amendment to the Constitution introduced in 1974. Large-scale agitation against Ahmadis has already led to bloodshed in 1953 and 1974.

In 1984, Ordinance XX introduced Sections 298B and 298C into the Pakistan Penal Code which, referring specifically to Ahmadis, prohibited them from calling themselves Muslims and using Muslim practices in worship or in the propagation of their faith. The infringement of these laws was punished with a term of imprisonment of up to three years and the payment of a fine. In 1991, Ordinance XXI which was promulgated on 7 July amended Section 295A of the Pakistan Penal Code and the Code of Criminal Procedure to increase the maximum punishment for outraging the religious feelings of any group from 2 years to 10 years of imprisonment. Although the majority of Ahmadis who were charged and convicted under the Sections 298B and C and 295A were released on bail, they have sometimes had to wait for periods extending from several months to several years before being brought to trial.

Ahmadis are reportedly accused of committing the following offences when they are prosecuted under Section 298C of the Pakistan Penal Code: offering daily prayers, the use of Kalima Tayyaba, Azan, preaching, using Muslim epithets and verses and 'posing as Muslims'. Ahmadis are alleged to have been charged of 'posing as Muslims' also under Section 295C which now carries the death penalty. Some of the following acts are alleged to be considered as 'posing' if carried out by Ahmadis:

- Using the greeting 'Asslam-o-Alaikum';
- Writing 'Assalam-o-Alaikum' and 'Inshallah' on invitation cards for inaugural ceremonies or the opening of a shop;
- Writing 'Bismillah' on wedding invitation cards or on the face of a shop;
- Displaying a verse from the Koran on a neon sign or a calendar with Koranic verses;
- Reciting the Koran out loud;
- Offering 'Janaza' prayers;
- Writing 'Kalima' on a tombstone.

It has been reported that a number of Ahmadi mosques have been desecrated, sealed, damaged or completely destroyed or burnt without the prosecution of those who were responsible for such acts. Ahmadis are said to be denied burial in common cemeteries and their bodies have allegedly been exhumed from their graves. In addition, prominent Ahmadis have allegedly been harassed and on occasion fire was set to their homes. Ordinance XX has reportedly been invoked to have 'Kalima' stickers removed from vehicles and its inscription erased from walls. Ahmadis are said to have been denied the use of loudspeakers at their religious gatherings. It has also been alleged that mullah Manzoor Chinioti had urged the audience at a public gathering in Sukheki, Gujranwala, to start the Jihad (holy war) against Ahmadis since they were apostates and as such deserved the death penalty. The same clergyman is also said to have announced plans to eradicate Ahmadis from the city of Bhakkar. It has further been alleged that Mr. Maqbool Elahi Malik, the Advocate General of Punjab, had stated that an Ahmadi imparting religious education to his children would be liable to capital punishment as this would amount to religious propaganda aiming to make the children apostates.

The following specific incidents involving Ahmadis have been brought to the attention of the Special Rapporteur:

Abdul Shakoor, the owner of 'Shakoor Opticians Rabwah' store in Sargodha whose case was mentioned by the Special Rapporteur in his report (E/CN.4/1991/56), had been arrested on 11 March 1990 for wearing a ring with verses from the Koran. On 27 July 1991, Mr. Shakoor is said to have been sentenced by Mr. Ejaz Hussain Baloch, Magistrate 1st Class in Sargodha, to three years' rigorous imprisonment and a fine of 5,000 rupees.

On 14 June 1991, the authorities of Khando, Larkana district, did not allow an old Ahmadi woman's body to be buried in the cemetery of that locality. Relatives who came to attend the funeral and who were ultimately obliged to bury her in the courtyard of the Ahmadi mosque, are said to have been subjected to intimidation by opponents of their faith.

Rana Karamatullah, an elderly farmer and businessman from Abbotabad, North-West Frontier Province, was among a group of 55 Ahmadis who are alleged to have met on 12 January 1990 for a prayer meeting in a private household. Khatme Nabuwat Youth Force, a local Islamic group, is said to have informed the Deputy Commissioner of Police of the meeting and the following day cases were registered against 12 of the participants for offering prayers and citing from the Holy Koran under Section 298C of the Pakistan Penal Code. They were allegedly also accused under Section 16 of the Maintenance of Public Order Ordinance and Section 107 of the Criminal Procedure Code for disturbing law and order despite the peaceful nature of the meeting. Mr. Karamatullah, who had been subjected to repeated arrests since 1984, was among the 12 persons against whom cases had been registered. On 30 June 1991, Mr. Karamatullah reportedly died in a car accident together with nine other persons, allegedly in suspicious circumstances.

On 9 July 1991, the police, acting on a complaint filed by the local mullah (Muslim clergyman), Salman Munir, allegedly raided an Ahmadi place of worship in Sambrial, Sialkot district, and charged the following six Ahmadis, including the president of the local community, under Sections 295A and 298C

of the Pakistan Penal Code for having written Kalima on the walls, thereby hurting the feelings of Muslims: Mr. Syed Hamid-ul-Hassan Shah, Mr. Mahmud Ahmad, Mr. Malik Inayat-ullah, Mr. Khwaja Muhammad Amin, Mr. Malik Nisan Ahmad and Mr. Muhammad Yousaf. The men reportedly answered that the inscription had been painted over by the police in 1986 but that heavy rains had taken off the whitewash and made it visible.

On 29 August 1991, the body of Mr. Mubasher Ahmad Qadiani was ordered exhumed and removed from the Muslim cemetery in Bahawalhagar by the District Magistrate.

On 29 October 1991, Mr. Habibullah, a social security officer from Shahdara town, Lahore, was accused of blasphemy by an opponent of the Ahmadi faith, immediately arrested and charged under Section 295C of the Pakistan Penal Code which carries the death penalty. Mr. Habibullah was reportedly denied release on bail on 25 March 1992.

On 5 December 1991 and on 30 January 1992, the president of the Ahmadi community in Dera Ghazi Khan, Mr. Khan Mohammad, and Mr. Rafiq Ahmad Naeem were arrested and charged under Sections 295A, B and C for translating the Koran into the Surayeke language. Both reportedly remain in detention.

On 9 January 1992, Mr. Chaudhry Munawar Ahmad, president of the Ahmadi community in Jaranwala, Faisalabad district, and Mr. Rafiq Ahmad, vice-president of the community, were arrested and charged with writing the Kalima Tayyaba (Islamic creed) and calling the Azan (call to prayer).

On 25 January 1992, Dr. Javaid Akhtar, a medical doctor from Mari Allah Bachaya village, Bahawalpur, was transferred to Rukanpur after two clergymen had accused him of preaching the Ahmadi faith.

Mr. Abdul Latif Momin from the town of Bhakkar and his son, Abdul Qadeer, were charged under Section 298C of the Pakistan Penal Code on 19 October 1991 for identifying themselves as Muslims on a college admission form. They were reportedly each fined with 500 rupees. This fine was allegedly increased to 600 rupees when an adversary of theirs appealed the 500 rupee fine. The verdict was only given in January 1992.

On 9 February 1992, an announcement reportedly appeared in the 'Jang' daily newspaper in Lahore inviting applications for admission in a four-year nursing course for girls at the General Nursing School in Sheikhupura. One of the conditions for the candidates' applying for the course was that they should make a written statement that they do not belong to the Ahmadi faith.

The local clergymen in village chak 35 North in Sargodha district reportedly filed a complaint against Mr. Malik Khuda Yar, the president of the village Ahmadi community, Mr. Malik Muhammad Ashraf, Mr. Malik Abdul Aziz and Mr. Malik Abdul Ghafoor after reportedly having heard that they intended to build an Ahmadi place of worship. A number of non-Ahmadi villagers and the village headman stated in court that they had no objections regarding such a building. Although no action had been undertaken to start construction, the four persons mentioned above were nevertheless each sentenced on 25 February 1992 to two years' imprisonment and a fine of 5,000 rupees.

On 9 March 1992, two brothers from Mansehra who belong to the Ahmadi faith, Mr. Taj Muhammad and Mr. Mubarak Ahmad, were reportedly charged under Sections 298C and 506/34 of the Pakistan Penal Code for stating that they were Muslims. Mr. Taj Muhammad is said to have been arrested and his release on bail denied.

On 31 March 1992, a case was reportedly registered under Section 298C of the Pakistan Penal Code in Kotri, Sind, against Mr. Nasir Ahmad Baluch, Mr. Mubashir Ahmad Gondal and Mr. Ghulam Bari Saif who were accused of propagating the Ahmadi faith.

On 3 April 1992, about a dozen persons reportedly raided the house of Mr. Nasir Ahmad Baluch in Kotri, Sind, and threatened the women and children residing there. They are reported to have encircled the house until 5 a.m. the following morning.

On 3 April 1992, a police squad led by the local magistrate reportedly raided an Ahmadi place of worship in Kotri, Sind, and arrested all the persons gathered there, including two young boys, Ferhan and Mehtab. Some of those arrested were reportedly beaten at the police station. Houses of Ahmadis were reportedly raided subsequently and charges were reportedly brought against 20 persons under Section 298C of the Pakistan Penal Code. A number of persons were allegedly also charged under Section 295C which carries the death penalty. All the imprisoned persons were subsequently also charged by the police for breach of peace under Sections 107/117 of the Pakistan Penal Code.

On 4 April 1992, Mr. Hafiz Muzaffar Ahmad was arrested in Rabwah for inviting Ahmadis to fast during the month of Ramadan. He was reportedly charged under Section 298C of the Pakistan Penal Code.

On 23 April 1992, 12 Ahmadis from Basti Rindan village, Dera Ghazi Khan district, were reportedly charged under Sections 295 and 298C of the Pakistan Penal Code and Section 16 MPO for offering prayers.

On 16 May 1992, Mr. Nasir Ahmad and 12 other Ahmadis from Nankana were reportedly charged under Sections 295A and 298C for writing the inscription 'Bismillah-ir-Rahman-i-Raheem, Nahmaduhu wa Nusalle Ala Rasool-i-hil Karrem' on a wedding invitation. Mr. Nasir Ahmad and Mr. Babar were reportedly arrested on this occasion.

On 19 May 1992, charges under Section 16 MPO were reportedly brought in Jhang against the publisher and printer of the Ahmadi monthly Khalid publication for the use of Islamic terms in their publication.

On 29 May 1992, similar charges under Section 298C of the Pakistan Penal Code were brought by the District Magistrate of Jhang against the editors, publishers and printers of the Ahmadi publications Ansarullah, Khalid, Misbah and Tasheez-ul-Azhan.

Mr. Muhammad Manzoor, a student of health education from Mirpur Azad Kashmir reportedly indicated that students had decided to organize a social boycott against him because he belonged to the Ahmadi faith. He is said to

have been told that he was not clean and that he would not be allowed to use the cutlery at the school cafeteria but had to bring his own if he wished to eat there."

49. In an additional communication sent on 27 November 1992 to the Government of Pakistan, the following information was transmitted by the Special Rapporteur:

"In pursuance of my letter dated 30 October 1992, I should like to inform you that I have in the meantime received additional information concerning Mr. Gul Masih, who was already mentioned in the Annex to my letter. It has been reported that Mr. Gul Masih, a Pakistani citizen belonging to the Christian Faith, who is said to have been arrested on 10 December 1991, is the first person to be sentenced for blasphemy since the death penalty became mandatory for this offence under Section 295C of the Pakistan Penal Code. It has also been reported that the case of blasphemy was filed against Mr. Gul Masih in Sargoda a few days after he had refused to support a candidate of the Muslim League in local elections, although it has been alleged that no blasphemous reference to the Prophet Mohammad had been made."

Romania

50. In a communication sent on 18 September 1992 addressed to the Government of Romania, the following information was transmitted by the Special Rapporteur:

"A number of recent reports have drawn attention to violations of human rights, especially against the Uniate Church. According to the sources, the Uniate Church regards itself as the national Church on a par with the Orthodox Church, in accordance with the 1923 Romanian Constitution. Under Act No. 358/1948, whose repeal the Uniate Church is calling for, it has been dispossessed of its property, which includes 1,800 churches, cemeteries, chapels, parish houses and 4 monasteries that are now in the possession of the Orthodox Church, as well as 5 episcopal palaces, 3 religious instruction institutions, 7 monasteries, 20 secondary schools, 6 hospitals, 4 orphanages, 3 retirement homes, land, libraries, museums and many religious and cultural objects that are in the hands of the State, all in a total of 2,000 parishes.

The Uniate Church considers that it has been deprived of the right to a full religious life and the right to freedom of religion because the 1948 expropriation is continuing. Since there are no places of worship, masses, for which basic equipment is lacking, are celebrated in parks, in private homes, in squares in front of former Uniate churches and in chapels located in cemeteries.

It has been alleged that a compaign of intimidation has been unleashed against members of the Uniate Church by persons who identify with the Orthodox cause and that priests and their families have been attacked and believers injured. According to the sources, threats continue to be made everyday, but the police takes no action on complaints by Uniate believers. Persecution and acts of violence designed to intimate the population allegedly also took place before the 1992 census.

According to other allegations, Mr. Vasile Belea, a representative of the Uniate Church in the town of Spermezeu, Department of Bistritza-Näsäud, applied to the local Police Chief, Mr. Ioan Hrusan, on 20 October 1991, for permission to reopen a former church belonging to the Uniate community so that religious services might be celebrated in it once again. In reply to this request, the Police Chief, who happens to be the brother of the priest of the Orthodox Church in the same town, allegedly beat Mr. Belea up and threw him out of the police station.

According to the information received, this is not an isolated incident. Some persons were allegedly incited by priests of the Orthodox Church to commit many attacks in the territory of Transylvania, always against members of the Uniate Church. One of these violent incidents reportedly took place in the village of Visuia, where Father Zagreanu was requested to celebrate mass in honour of St. Dimitri on 26 October 1991. He is said to have informed the local police that he intended to celebrate the mass at the Ariesan family farm in the same village so that the police would guarantee that the ceremony was held peacefully. When he was on his way to the farm, 12 persons who were drunk burst out of the Orthodox Church and beat him violently on the head and jaw and threw him back and forth until he fell on the ground. They went on kicking him in the stomach and kidneys. Women on their way to the mass were allegedly also attacked.

In the village of Margäu, district of Cluj, Father Ioan Bota was allegedly attacked in his church when he was celebrating mass on 6 January 1992. He had to leave the church by the door behind the altar because his attackers were waiting for him in front of the main door.

On 8 January 1992, the police in the village of Filea were allegedly requested to keep watch on Mrs. Silvia Tartan's home, where Father Pius Miclaus was celebrating mass. A gang of attackers with shovels and pitchforks allegedly threatened him until after midnight and the woman guarding the door of the house was injured when the blade of a knife went through the door. The mayor of Ciurila, which Filea is part of, went to the house with the wife of the Orthodox priest and was allegedly threatened and prevented from taking any action.

The Uniate chapel in Mrs. Eugenia Darjan's house in the village of Iclod was allegedly desecrated on 12 January 1992 by four persons whom the owner recognized. Icons were taken, religious books were thrown on the floor and the table that was used as an altar was desecrated. A complaint was filed with the local police. The police force did not intervene in any of the above-mentioned cases."

## Saudi Arabia

51. In a communication sent on 18 September 1992 addressed to the Government of the Kingdom of Saudi Arabia, the following was transmitted by the Special Rapporteur:

"According to the information received, members of the Shia Muslim community in Saudi Arabia are reportedly deprived of the right to express their religious beliefs in public and are subjected to frequent attacks by

religious speakers and writers who are said to call for their boycott and isolation. It has been alleged that on 2 September 1991, Sheikh Abdulla Bin Abdul Rahman Al Gibreen, a member of the Committee of Grand Ulama, a governmental religious institution, had issued a religious ruling (fatwa) regarding the lawfulness of meat butchered by a Shiite. In his response to the request for a ruling, Sheikh Al Gibreen reportedly did not limit himself to the issue of the request but is said to have declared that the Shia are apostates from Islam 'for which they deserve to be killed'. Bearing in mind that the Shia are reportedly not allowed to express their beliefs on any matter in public, Shia religious scholars would not be allowed to respond to the aforementioned ruling and fears have been expressed that this ruling may jeopardize the safety of the members of the Shia Muslim community in Saudi Arabia."

52. On 2 October 1992, the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office at Geneva transmitted the following information to the Special Rapporteur with regard to the above-mentioned allegation:

"1. On page 2, paragraph (1) you state:

'I should like to bring to your Government's attention allegations I have received relating to your country.'

One should realize that it is the prerogative of any country to ignore derogative 'allegations' emanating from known or unknown sources and especially those allegations undocumented by substantive 'information' such as names, dates, locations, concrete evidence, legally documented face-to-face interviews and certified testimonies, all of which are lacking in your above-mentioned communication.

No State Member of the United Nations is immune from such irresponsible allegations which are better ignored and denied the dignity of an official reply.

2. Your communication requests our Government to investigate and report to you the validity of the allegations received by your office. Such allegations do not merit a reply.

3. More important in our view is that your communication touches the freedom of religion, a subject which if abused by any such allegations may constitute an infringement, deliberate or otherwise, on the sacred status of freedom of religion and the question of 'religious intolerance' by which your office is concerned. Our view is that freedom of religion (which is a basic issue in the Universal Declaration of Human Rights) has double edges:

(a) The freedom of any country to adhere to, protect and preserve its religion.

(b) The respect and tolerance towards religious minorities of the country's citizens as long as they respect the constitutional tenets of their country.

4. Isn't your office well aware that 100 per cent of all the citizens of Saudi Arabia are adherents of the Muslim religion, inlcuding the Shiites? The 'allegations' of their mistreatment in Saudi Arabia can only emanate from political motives to disturb law and order in the country, and thus violate its freedom of religion. Our Constitution is based on the Holy Koran which all Muslims, including the Shiites, believe to be the Divine Law governing the life of the adherent. Our Government, as any other responsible Government, refuses to engage in any sort of polemics emanating from any source questioning our religious freedom and using alleged allegations to justify such an intervention.

5. Finally, is it not evident to all Muslims, who constitute more than a quarter of this planet's population, that they are confronting a sort of political and ideological 'crusade' against Islam and its Governments and countries? Doesn't this 'crusade' use and abuse the banner of human rights and the slogan of religious intolerance?"

53. Although it is not the role of the Special Rapporteur to make accusations or value judgements, as concerns the reply of the Government of Saudi Arabia according to which "100 per cent of all the citizens of Saudi Arabia are adherents of the Muslim religion", he would like to indicate that such uniformity does not exist in either political or religious matters. Mankind has a right to diversity, to the freedom of thought, conscience and belief, without limits being imposed on anyone, except in cases where restrictions to their exercise are prescribed. The Special Rapporteur does not wage any "crusades" but limits himself to fulfilling the letter and spirit of the major international texts concerning human rights which are universal and should be respected by all countries, regardless of their political regime and predominant religion.

## Sri Lanka

54. In a communication sent on 18 September 1992 addressed to the Government of the Democratic Republic of Sri Lanka, the following was transmitted by the Special Rapporteur:

"According to the information received, the Sri Durga Devi Temple in Tellippalai was subjected to an air attack on 31 May 1992. It has been alleged that bomber aircraft carried out four bombing attacks, that a grenade was thrown from a helicopter and that a barrel bomb was thrown from an Avro airplane. It has been reported that the bombing took place despite visibly displayed flags denoting a religious building. Six persons are reported to have died on this occasion, 25 were badly injured while approximately 100 persons are said to have suffered minor injuries. The temple reportedly also runs a Children's Home, houses a number of elderly persons and has been providing accommodation for 116 refugee families that have been displaced since June 1990. In addition, persons displaced in security operations on 30 and 31 May 1992 had also taken refuge in the temple, amounting to a 2,500 total number of persons present at the time of the incident. Damage was allegedly caused to the Vasantha and Thirumurai Mandapam as well as to the residences of the Chief Priest and temple staff.

According to additional information received, the pilgrims and worshippers who had gathered at the Vattapalai Amman Temple in Mullaitevu to celebrate the annual pongal festival were subjected to an artillery attack on 21 May 1992."

Sudan

55. In a communication sent on 1 November 1991 (E/CN.4/1992/52, para. 66), addressed to the Government of Sudan, the following information was transmitted by the Special Rapporteur:

"According to the information received, article 126 of the new Criminal Code of Sudan which was published in the official gazette on 20 February 1991 stipulates that apostasy from Islam is a crime entailing the death sentence. It stipulates, inter alia, that 'Any person who committed the offence of apostasy shall be given a respite, the duration of which should be determined by the court. If that person insists on apostasy after that respite, though not newly Muslim, that person shall be punished by death.' It indicates, in addition, 'if that person withdraws his apostasy before execution, then that execution should not be implemented'."

56. On 24 January 1992 the Government of the Sudan transmitted the following information to the Special Rapporteur with regard to the above-mentioned allegations:

"On apostasy (ridda):

A good number of questions were raised concerning the crime of apostasy. We suppose that apostasy as such does raise a number of issues. Let us at the start quote the relevant legal provisions. Section 126 of the Sudan Criminal Act 1991 provides:

1. There shall be deemed to commit the offence of apostasy every Muslim who propagates for the renunciation of the Creed of Islam or publicly declares his renunciation thereof by an express statement or conclusive act.

2. Whoever commits apostasy shall be given a chance to repent during a period to be determined by the court, where he insists upon apostasy, and not being a recent convert to Islam, shall be punished with death.

3. The penalty provided for apostasy shall be remitted whenever the postate recants apostasy before execution.

Comments:

Penalties in Islamic law should not be looked at in the religion of Islam. It would not be appropriate here to engage in a debate on Comparative Religious Doctrines. But it needs to be recalled that Islam is regarded by Muslims not as a mere religion but as a complete system of life. Its rules are prescribed not only to govern the individual's conduct but also to shape the basic laws and public order in the Muslim State. Accordingly, apostasy from Islam is classified as a crime for which ta'zir punishment may be applied (ta'zir is a 'disciplinary, reformative and deterrent punishment').

For Muslims, Islam provides a total system of life, starting even before birth extending throughout every moment of life. Matters such as infant-feeding, child-rearing, abortion, marriage and divorce, legacy and inheritance, bargains and contracts, war and peace, international relations, the treatment of minorities and all other aspects of life are governed in one way or another by legal rules in the sources of Islamic law. Furthermore, Muslims consider all these aspects as having the same importance as, let us say, ritual prayer and fasting. Hence, any problem which arises should be treated and solved in the way recommended by, or at least in harmony with, the related rules of Islam."

Accordingly, all aspects of Islamic law should be taken and accepted as a unit, one total and indivisible system. Hence, apostasy from Islam is classified as a crime for which ta'zir punishment may be applied. The punishment is inflicted in cases in which the apostasy is a cause of harm to the society, while in those cases in which an individual simply changes his religion the punishment is not to be applied. But it must be remembered that unthreatening apostasy is an exceptional case, and the common thing is that apostasy is accompanied by some harmful actions against the society or State. A comparison between the concept of punishing those who commit apostasy in Islamic law would be proper as well as useful. Assuredly, the protection of society is the underlying principle in the punishment for apostasy in the legal system of Islam.

57. In a communication sent on 12 November 1992 addressed to the Government of Sudan, the following information was transmitted by the Special Rapporteur:

"According to the information received, members of Christian religious and animist believers of Sudan who account for approximately one third of the country's population, have been subjected to discrimination, harassment and persecution which is said to have intensified in June 1990. Their situation has reportedly deteriorated steadily in 1991, particularly in the south of Sudan. Non-Muslim southerners reportedly find themselves in a similar situation in the north of the country and it has been alleged that they are made to know that their lives would improve if they were to become Muslims. It has also been alleged that Islamic law has been enforced on non-Muslims since 1983.

Numerous Christians were reportedly evicted by Muslim landlords from their homes in Khartoum. Christians are reportedly given jobs which require them to work on religious holidays and Sundays and the permission to attend Sunday church services which used to be issued to Christians has been abolished. Senior and middle-ranking non-Muslim personnel in the civil service and administration are said to have progressively been removed from their positions in recent years in the south of the country. Non-Muslims are reportedly not considered for promotions and their forced retirement has become widespread. Questions on Islam are reportedly asked during interviews of all applicants for jobs with the Government.

It has been reported that no new Catholic churches have been built or repaired in Khartoum since 1969 and that a presidential permission, which is systematically denied, is required for any construction and restoration of churches. The situation has been compounded by the alleged renewed

enforcement of the 1962 Foreign Missionary Society Act which prohibits the building of churches, church facilities and schools and imposes severe restrictions on the organization of Christian religious activities. The interpretation allegedly being given to this Act makes all churches 'foreign organizations'. Numerous churches are said to have been closed as a result of its enforcement. Persons holding religious services in private homes after the closure of churches allegedly risk imprisonment. Christmas and Easter processions, the ringing of church bells and the carrying of crosses and Christian banners have reportedly been prohibited.

More than 30 Roman Catholic centres are said to have been closed since 1989. In 1989, the Governor and Municipal Council of Kordofan reportedly ordered the closure and subsequent destruction of the village church in Rokaab for lack of a special authorization (tasdiq). Several Coptic churches have allegedly been closed or burned recently. The Catholic parish church in El Nahud was reportedly closed on 24 May 1992 by the State security forces for lack of original documents granting permission for the church to operate.

Christian religious personnel and institutions are also said to have been subjected to increasing pressure, harassment and intimidation. The freedom of movement of Christian clergy within the country has been restricted. In 1991, a three-member council composed of persons from the Ministry of Information, Ministry of Security and the Ministry of Religious Affairs was reportedly created in order to oversee the issuance of visas for exit from and entry into Sudan. It has been alleged that since the creation of this council, the number of visas issued to Christian clergy has decreased. This is said to have been the case particularly with regard to requests made by members of the clergy to attend international religious conferences. Visas were either not delivered or were issued too late, thus preventing them from travelling.

Numerous Christian clergymen have allegedly been detained, interrogated and on occasion beaten by members of both the national and military security forces. In 1983, a Catholic priest is said to have been arrested, beaten severely and flogged in public because he was carrying wine for communion. Pastor Mattaboush who was arrested in 1986 and sentenced in 1987 to 30 years of imprisonment by a military court is said to have been transferred to detention in solitary confinement for preaching in prison. It has also been alleged that non-Muslim prisoners have been pressured to convert to Islam with the promise of release and financial remuneration in a number of prisons. Mr. George Yustus, a pilot who belonged to the Coptic Christian faith was sentenced to death on 24 December 1989 and reportedly asked to convert to Islam if he wanted to save his life. Mr. Yustus was executed on 5 February 1990 after having refused to recant his faith.

The Government is recently said to have expelled the last 12 Catholic missionaries from the city of Juba and missionaries were also allegedly expelled from South Kordofan. A Catholic priest and three members of his staff were reportedly imprisoned in Dongola, in northern Sudan. The preaching of Christianity has allegedly been stopped, the parish priest expelled and church property confiscated in the town of Damazin. The church in Al-Dien village has been burned. It has been alleged that missionaries working in El Obeid, Juba and Torit have been subjected increasingly to harassment and

persecution. It has also been reported that the authorities in El Obeid have dissuaded Christians from gathering for prayer. Church centres were reportedly destroyed in El Obeid and Khartoum.

On 16 September 1990, a Muslim fundamentalist group is said to have set fire to a bus carrying 35 Christian children from the church of St. George in Omdourman. Fourteen children died in the incident. It has also been alleged that a Muslim policeman who came to the children's rescue was subsequently arrested and sentenced to a 15-day prison term for rescuing Christians.

Christian women are reportedly forced to wear the veil (hejab) in public and are not allowed to leave Sudan unless they are accompanied by a male relative (mouhram). In addition, it has been alleged that Christians are not allowed to appear as witnesses in court. It has also been reported that Christians have been subjected to economic sanctions because of their faith. Christians are said to have been dismissed from banks where they allegedly used to constitute the majority of personnel. They are also said to have repeatedly been denied trading, import and export, manufacturing and construction licences which have forced many to emigrate. The Coptic Christian community to which a large number of traders belongs is said to have suffered particularly from such measures. Members of this community have also been dismissed from governmental posts and it has been reported that a number of Coptic Christians have recently also been dismissed from the judiciary.

As concerns the freedom of education, the Special Rapporteur was informed that in Juba, Equatoria, Islam is taught as a compulsory subject starting at the level of nursery school, which is reported to be a prerequisite for entry into primary school. Non-Muslim children in the towns of Juba, Malakal, Raja, Renk and Wau are allegedly also required to learn Arabic and study Islam. Non-Muslim students have reportedly been harassed in public schools and often graded unfairly. It has also been alleged that security forces from the north have at times brought non-Muslim children to Islamic religious schools (khalwas) against the wishes of their parents. There have also been occasional reports that pregnant women were offered money and food if they registered their newborn children as Muslims. Parents are said to have been offered money to send their children to khalwas. Khalwas also reportedly provide food and other forms of aid they receive from Muslim non-governmental organizations to students while restrictions imposed on Christian organizations prevent Christian schools from providing similar assistance to their own students. Muslim non-governmental organizations such as the 'ad-Da'wa al-Islamiyya' and 'IARA' which also run Islamic schools allegedly only distribute food to the students of their schools, to persons who have converted to Islam or are registered as Muslims.

According to the information received, Christian teachers are not allowed to teach Muslim students. Christian students are required to study the Koran and Islam while the study of Christianity is said to have been removed from the educational curriculum. Non-Muslim students are not eligible to follow secondary and university education without possessing a knowledge of Islam. A governmental decree issued on 20 October 1990 reportedly stipulates that no one may accede to higher education without having undertaken mandatory studies of the Islamic religion.

The Special Rapporteur's attention has also been drawn to the particularly preoccupying situation of Christian refugees and displaced persons. It has been alleged that Christians and animists who find themselves in camps for displaced persons are subjected to constant pressure to convert to Islam, in exchange for food. In view of the fact that tribes like the Dinka, Nuer and Shilluk from the Upper Nile region and the followers of traditional religions from Equatoria have strong cultural and tribal customs and structures, it has been reported that tribal chiefs who managed to persuade their subjects to convert to the Muslim faith received large quantities of food while each convert to Islam allegedly received 5,000 Sudanese pounds. It has also been alleged that the fingerprints of persons who adopt a Muslim name are taken in order to facilitate control of the distribution of food rations. In addition, it has been reported that some Muslim non-governmental organizations distribute food aid to refugees who are victims of famine only if they are Muslims or if they convert to Islam."

58. On 3 December 1992, the Permanent Mission of the Republic of the Sudan to the United Nations Office at Geneva transmitted the following information to the Special Rapporteur with regard to the above-mentioned allegation:

"Based on the last paragraph of the Special Rapporteur's letter which expresses readiness for consultations with the Government of the Sudan, H.E. the Minister of Justice and Attorney-General of the Republic of the Sudan is officially extending an invitation to the Special Rapporteur on religious intolerance to visit Sudan any time he wishes to study the situation directly and to acquaint himself with the true facts in Sudan. The independent expert is thus requested to indicate the suitable time for his visit to this mission in order to facilitate the necessary arrangements.

The Special Rapporteur is kindly requested to extend the deadline of 10 December 1992 to receive the comments of the Sudan Government, as time allowed for such comments is very short. A comprehensive report on allegations of religious intolerance which were attached to the Rapporteur's note is being prepared by the Government of Sudan and will be forwarded to the Centre as soon as received."

59. On 5 December 1992, the Permanent Mission of the Republic of the Sudan to the United Nations Office at Geneva transmitted the following comprehensive reply to the Special Rapporteur with regard to the above-mentioned allegation:

"With reference to the letter of the United Nations Office at Geneva dated 12 November 1992, the Government of the Sudan welcomes the Special Rapporteur of the Commission on Human Rights on Religious Intolerance to the Sudan to see for himself the falsety of the allegations which he has received. The cooperation of the Government of the Sudan with the Special Rapporteur would not be limited to welcoming him to the Sudan, but would extend to providing him with all information required that is because we are firmly confident that nowhere on earth would there be more religious tolerance than what is found in the Sudan.

With regard to the allegations made against the Government of the Sudan and received by the Special Rapporteur, we would like to make the following comments:

1. Enforcement of Islamic Law on non-Muslims

Section 5(3) of the Sudan Penal Code 1991 provides as follows "Sections 78(1), 79, 85, 126, 139(1), 146(1), 146(2), 146(3), 157, 168(1) and 171 shall not apply to the Southern States unless the legislative body concerned decides otherwise or unless the accused person requests so.

Those Sections enumerated above include the punishments as provided for in Islamic Law and for that reason they were not made to apply to the three Southern States in the Sudan where a tangible number of the citizens are Christians. So, to say the least about the allegation, it is not true. Not only that but even in North Sudan some of the Islamic Law punishments provided for in the Penal Code apply only to Muslims, Section 78(1) of the Penal Code provides as follows: 'Any person who drinks, possesses or manufactures alcohol shall be flogged forty lashes if he is a Muslim'. See annex 1 for the texts of the sections.

2. Christians evicted by Muslim landlords in Kharthoum

Eviction in Sudan is governed by very strict Laws. The first one of those Laws is the Rent Restriction Ordinance 1953 and the latest one is the Renting of Premises Act, 1991 (64/91) which is currently in force. We attach a copy of each Law (see annex 2) to prove that there is no difference between the 1991 Law and 1953 Law which was made when Sudan was a British Colony. No specific case was mentioned so we are responding generally by providing you with the Laws which show that there is no discrimination against the Christians in cases of eviction.

3. Denial of permission to attend Sunday church Services

The Law in Sudan is that Christians enjoy Friday, being the weekly holiday for Muslims. In addition to that they are allowed, by law, to attend Sunday church Services. Come to the government offices on a Sunday morning and you would find not one single Christian in his office. Like the others, the allegation is not true.

4. Non-Muslims not promoted

To respond to this unfounded allegation we refer to the promotions which took place recently on 23 November 1992 for Government first legal advisers. Fifty-three legal advisers were competing for the 20 posts available. Three Christians were among the competitors; two of them were actually promoted. A copy of the Presidential Decree 449/1992 dated 23 November 1992 is attached, see annex 3.

Not only this but also Non-Muslims are now holding very senior posts in the service of the Government as of today. To cite few examples the Advocate General of the Government of the Sudan is a Christian (H.E. Mr. Edward Ryiad). Also the Deputy Solicitor General for Legislations is Christian (H.E. Mr. Joseph Suleiman).

5. Exit from and entry into Sudan

The Resolution of the Council of Ministers No. 1013 dated 18 October 1992 reaffirms free entry into Sudan and free movement therein see annex 4 for the text of the Resolution.

6. Christian displaced persons

The independent expert apointed pursuant to the Confidential decision adopted without a vote at the Commission's 32nd (closed) meeting on 18 February 1992, Mr. Gasbar Biro, has visited Sudan during the period 21-27 November 1992 and has visited the places of displaced persons in Sudan. We believe that his report would reflect that the Government of Sudan is providing all the services needed and that displacement was caused by desertification, armed attacks of rebels or town planning. It is worth mentioning that in the case of town planning, the Government has provided the displaced with more spacious places and better services. The Government is really improving their lives rather than forcing them to leave their homes as alleged.

7. Christian refugees

During the same period when Mr. Gasbar Biro visited Sudan also a Special Envoy of the Secretary-General of the United Nations, Dr. Francis Deng, also visited the Sudan to investigate the allegations about the refugees in the Sudan. To say the least, he was astonished to find that their situation in the Sudan has no match to the extent that he went public on the mass media to express his views. We need not repeat here that the allegations are groundless and refer you to his report to judge for yourself.

8. Freedom of education

Islam is not a prerequisite for entry into primary school as alleged. The allegation is not true but we do not really know how to convince you it is not true. The only way to refute such unfounded allegations and the allegation that non-Muslim children in the towns of Juba, Malakal, Raja, Renk and Wau were required to learn Arabic and study Islam, and other unfounded allegations, is to welcome you to the Sudan to see for yourself that there is no such prerequisite.

9. Obstruction of Churches

Many false allegations were made in this regard that no new Catholic churches have been built or repaired in Khartoum since 1969, that numerous churches have been closed, that persons holding religious services risk imprisonment, that carrying of cross or ringing church bells is prohibited, that numerous Christian clergymen have been detained, that non-Muslim prisoners have been pressured to convert to Islam, that 12 Catholic missionaries have been expelled from Juba, etc. The series of the false allegations go on and on to an unbelievable extent.

To refute such allegations the Peace and Development Foundation in Khartoum which is a government entity is organizing an international

Conference in April 1993 (see annex 5). The Chairman of the Preparatory Committee for the Conference is Fr. Filo Thaus Fargj. Among the members of the Committee is the Secretary General of the Sudan Council of Churches, the Secretary General of the Catholic Archbishops Conference and Fr. Zikri Rizig Jaid. Actually everybody is welcome to attend the conference and discuss the allegations with the Christians themselves."

60. The annexes mentioned above are available and may be consulted at the Secretariat of the Centre for Human Rights. The Government of Sudan has also expressed its readiness to provide any additional documents and information that may be required.

## Switzerland

61. In a communication sent on 31 October 1991 (E/CN.4/1992/52, para. 67) addressed to the Government of Switzerland, the following information was transmitted by the Special Rapporteur:

"According to information received, Mr. Frederic Maillard, commercial director of an advertising firm in Fribourg, aged 25, was sent to Fribourg Central Prison on 3 September 1990 because of his decision to refuse on religious grounds to continue doing military service, having been a convinced Christian since the age of 16.

When he was summoned to register for military service for the first time, Mr. Maillard, citing his religious beliefs, submitted a request to the military authorities to do his service in a non-armed unit, a request which was granted. He did his four months' service at a training camp in 1985. The compulsory refresher course scheduled for 1986 was postponed. Mr. Maillard failed to appear for the inspection of weapons and equipment in 1987 and 1988.

On 4 April 1988, Mr. Maillard wrote to the military authorities, informing them of his decision to refuse to serve for conscientious reasons and did not report for the refresher course beginning on 18 April 1988. On 28 August 1989 he explained to the military tribunal of Division 1 at Payerne that his decision arose from his profound religious beliefs, which involved condemnation of any use of violence, making further performance of his military obligations impossible.

According to the sources, the military tribunal is said to have recognized that Mr. Maillard's refusal to serve was based on sincere religious belief and that he was involved in a serious conflict of conscience. Nevertheless, the court sentenced him to three months' imprisonment to be served as a criminal judgement, to the costs of the case, and to dismissal from the army."

62. On 27 January 1992, the Permanent Mission of Switzerland to the United Nations Office at Geneva sent the Special Rapporteur the following reply relating to the above-mentioned allegation:

"1. The de facto and de jure information relating to the above-mentioned case contained in the annex to the note of the Special Rapporteur is generally accurate.

On the basis of his religious beliefs, Mr. Maillard refused to serve in the army and was sentenced by a military court on 28 August 1989 to a penalty of three months' light imprisonment. This sentence was in keeping with the legislation in force at the time of the judgement and compatible with freedom of conscience and belief, whose inviolability is guaranteed by article 49 of the Federal Constitution, paragraph 5 of which provides that no one may be exempted on religious grounds from doing his civic duty. However, the obligation to serve in the army is just such a duty, since, according to article 18 of the Federal Constitution, "Every Swiss shall be bound to perform military service". It follows that the duty to serve does not create discrimination, since it applies to all Swiss citizens, regardless of their religious beliefs. Mr. Maillard was thus sentenced for having refused to do his civic duty - admittedly on religious grounds, but not on account of his religious beliefs themselves.

2. The legislation on which the August 1989 judgement was based was amended as a result of the popular vote of 2 June 1991 in which conscientious objection was decriminalized following the adoption of a new article 81 of the Military Penal Code which entered into force on 15 July 1991: anyone who, on the grounds of fundamental ethical values, makes a convincing case for not being able to reconcile military service and the dictates of his conscience is, of course, recognized guilty, but the court replaces the prison term by an obligation to do work in the general interest. The duration of this obligation is one and one half times longer than the total length of military service refused, but may not last more than two years. In addition, proof of the existence of a serious conflict of conscience is no longer required and the term "fundamental ethical values" also covers religious beliefs. The sentence no longer appears on the person's police record.

3. Despite this recent change in the relevant Swiss legislation, the discussion of the possible introduction of non-military service is still going on. Following the June 1991 vote, the Government itself interpreted the amendment to the Military Penal Code as a kind of intermediate step in the solution to the problem of conscientious objection to military service.

A parliamentary initiative, which is the result of the first initiative of this kind (withdrawn in the meantime) and two initiatives in the cantons of Geneva and the Jura, was adopted by the Federal Assembly on 13 December 1991 and will shortly be submitted to the Federal Government for approval. The text proposes an amendment to article 18, paragraph 1, of the Federal Constitution: "Every Swiss shall be bound to perform military service. The law shall provide for the organization of non-military service".

It is still too early to tell what will happen to this parliamentary bill. If the Federal Government's decision is favourable, it will be voted on by the Swiss people and cantons and then become an act which will also be submitted to an optional referendum. In the past, however, the Swiss people has voted twice against non-military service."

Syrian Arab Republic

63. In a communication sent on 8 November 1991 (E/CN.4/1992/52, para. 68), addressed to the Government of the Syrian Arab Republic, the following information was transmitted by the Special Rapporteur:

"According to the information received, members of the Syrian Jewish community residing in Aleppo, Damascus and Kamishli, suffer discrimination because of their religion. It has been alleged that members of the Jewish community are not allowed to emigrate from Syria and are permitted to travel abroad only for short periods in order to visit relatives or undergo medical treatment. It has also been alleged that the persons who wish to travel are obliged to deposit large sums of money and are not allowed to travel with their entire family. This emigration policy has reportedly been conducive to attempts to escape and it has been alleged that the persons who have been caught were imprisoned without charge or trial and were subjected to torture and ill-treatment.

It has been reported that a special branch of the secret police has the exclusive task of monitoring the activities of the Jewish community. Identity cards of the members of the Jewish community are said to be marked in blue and contain the word Mousawi (Jew) while no such indications exist on the identity cards of members of the Syrian Muslim and Christian communities.

According to the sources, members of the Jewish community do not have the right to vote and cannot be candidates in any election. They are also said to be barred from employment by the Government. Their right to inherit or dispose of personal and real estate property is allegedly severely restricted. In addition, the mail they receive from abroad is said to be censored and their telephone calls monitored.

The Special Rapporteur has already referred to the problem of emigration of members of the Syrian Jewish community in his report to the Commission on Human Rights at its forty-sixth session (E/CN.4/1990/46)."

64. On 3 January 1992, the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva transmitted the following information to the Centre for Human Rights with regard to the above-mentioned allegation:

"Information regarding Syrian citizens of the Jewish faith

1. For hundreds of years, Syrian citizens of the Jewish faith have coexisted in peace and harmony in the Syrian Arab society in which they were born. Throughout history, none of them has been subjected to any discrimination or persecution, and they have shared in all aspects of life in the country. In recent decades, however, they have been pressured and coerced by external forces to leave their homeland. In response, and in order to eliminate the residual effects of that campaign, the President of the Republic issued directives in 1976 aimed at boosting their economic and social situation. As a result, they became more resolutely attached to their homeland, expanded their properties and businesses, and virtually abandoned any idea of emigrating abroad.

2. The life of Syrian citizens of the Jewish faith is organized in accordance with the Constitution, without discrimination and on an equal footing with all other citizens. Some articles of the Constitution are quoted below:

Article 15 - (1) Property may be expropriated only in the public interest in return for fair compensation in accordance with the law.

Article 25 - (1) Freedom is a sacred right. The State shall guarantee the personal freedom of citizens and shall safeguard their dignity and security.

Article 26 - Every citizen has the right to participate in political, economic, social and cultural life as prescribed by law.

Article 33 - (2) Every citizen has the right to freedom of movement in the territory of the State.

Article 35 - (1) Freedom of belief is inviolable and the State respects all religions.

(2) The State guarantees the freedom to engage in all religious practices provided that such is not prejudicial to public order.

Article 37 - Education is a right guaranteed by the State and is free at all levels and compulsory at the primary level.

Article 44 - (1) The family is the basic unit of society and is protected by the State.

(2) The State protects and encourages marriage.

3. There are currently 3,655 individuals of the Jewish faith comprising 584 families distributed throughout the various Syrian governorates. The vast majority, however, live in the governorates of Damascus and Aleppo, these being two main trade centres, followed by the town of Qamishli. The majority are engaged in trade (textiles, ready-made clothing, yarn, oriental gifts, jewellery). Others practise crafts (goldsmithery, copperwork and copper engraving), while a considerable number hold academic qualifications and university degrees (doctors, engineers, pharmacists, lawyers).

4. At Damascus, there are 22 synagogues, all of which are located in the Jewish quarter, apart from the Jubar Synagogue, which is located in the town of Jubar, near Damascus. There are also two private Jewish schools: the Ittihad al-Ahli School comprising kindergarten and primary sections, and the Ibn Maimun School comprising kindergarten, primary and preparatory sections. The Ittihad al-Ahli School has 208 pupils (194 girls and 14 boys) at the kindergarten and primary levels, while the Ibn Maimun School has 473 pupils (72 girls and 401 boys) at the kindergarten, primary and preparatory levels. Sixty-six secondary-level pupils (43 girls and 23 boys) are enrolled in State schools.

5. Twenty-six university students from Damascus are pursuing their higher education at Syrian universities as follows:

Medicine: Ten students at the Universities of Damascus, Aleppo and Tishrin.

Dentistry: One student at the Baath University at Homs.

Pharmacology: Five students at the University of Damascus.

Faculty of Law: Five students.

Faculty of Commerce: Four students.

Faculty of Education: One student.

French literature: Six students at intermediate colleges.

Engineering (architectural and mechanical): Four students at the University of Damascus.

There are also a number of students following undergraduate or postgraduate studies in medicine and other subjects in various countries (United States, Canada, Britain).

6. Some 77 students have graduated from university in various specialist fields, primarily medicine. All practise their specializations, apart from seven who work in business for financial reasons.

7. A number are working in the private sector. The main sectors concerned and the number of related commercial shops in Damascus are as follows:

Textiles and ready-made clothing: 122 shops

Tailoring: 100 shops

Oriental gifts and copper engravings: 23 shops

Gold and jewellery: 21 shops

Meat: 11 shops.

A small number are also engaged in other sectors such as the grocery business, upholstery, crystal, wool and shoes.

8. At Aleppo, there are two synagogues, the first situated in the Jamiliyah district, and the second in the district of Bandara al-Islam/Qula. There is one school for members of the Jewish faith, namely the Samaw'al private school, which has 171 pupils (99 boys and 72 girls) at the kindergarten, primary and preparatory levels. There are 11 teachers of the Jewish faith on the school staff. Six secondary-level students (four boys and two girls) study at the private Scientific Institute at Aleppo.

9. There are eight university students in all (four men and four women) specializing variously in economics, agriculture, English literature, medicine and secretarial skills. One student is pursuing higher studies in medicine in the United States. There are 12 university graduates in various specialist fields, half of whom are practising their specializations, with the remainder employed in commerce.

10. At Aleppo, the numbers from the Jewish faith working in the private sector are as follows:

Gold trade: 70 persons

Textile trade: 12 persons

Printing and dyeing: 8 persons

Wool trade: 2 persons.

Some are employed in other miscellaneous areas of work requiring only one person, such as the sale of stationery, groceries, haberdashery items, confectionery or poultry, commercial agency work, commercial accountancy, car dealership and dealing in second-hand equipment.

11. At Qamishli, there are no special schools for members of the faith in view of their small numbers. Instead, the 27 children (10 boys and 17 girls) at the primary, preparatory and secondary levels are educated in State schools. There are two university students; one studying mechanical engineering at Aleppo and the other studying medicine in the United States.

12. The members of the faith are engaged in the following private sector areas:

Textile: 13 shops

Upholstery: 1 shop

Hairdressing: 5 shops

Goldsmithery: 2 shops.

13. During the academic year 1990/91, the following nine members of the Jewish faith graduated from the country's universities:

Dawud Amin Misha Tishrin University, Latakia Medicine

Shahada Haim Haswah " " "

Joseph Khudr Darziyah University of Damascus "

Kamil Jamil Yitsha University of Aleppo "

| | | | |
|---|---|---|---|
| Victor Eli Khaskah | University of Damascus | | Physics |
| Joseph Nuri al-Kad' | " | " | Mechanical engineering |
| Arlette Moise Sa'adya | " | " | Pharmacology |
| Laila Yusuf Futaiha | " | " | " |
| Rosette Eli Maisur | " | " | Medicine |

14. The incidence of marriage and the percentage of married couples among the members of the Jewish faith living in the Syrian Arab Republic varies in the three towns of Damascus, Aleppo and Qamishli in view of the differing sizes of their respective populations. Over the last 10 years (1981-1991), there have been 229 marriages at Damascus, 55 at Aleppo and 6 at Qamishli. The members of the Jewish faith have their own religious court which supervises marriage, divorce and other such matters in accordance with the precepts of the Jewish religion. The court is presided over by Ibrahim Hamra, the Chief Rabbi.

15. The Syrian Arab Republic has preserved the Jewish cemeteries, not only at Damascus but also in the other governorates inhabited by Jews. The cemeteries have also received particular attention in so far as many roads have been diverted around them for this purpose, which has not been the case with other cemeteries and places belonging to other faiths.

16. The members of the Jewish faith annually celebrate a number of different religious festivals. They perform their religious rites in complete freedom and have Saturday as their weekly holiday. Details of their festivals are as follows:

Feast of Dedication 25 December 8 days

New Year for Trees 15 February

Feast of Lots 14-15 March

Passover 15-22 April

Revelation of the Torah (Pentecost) 6-7 June

Commemoration of the Destruction of the First and Second Temples 9 August

Jewish New Year 1-2 October

Day of Atonement 10 October

Feast of Tabernacles 15-22 October

Rejoicing of the Law 23 October

Feast of Supplications and Prayers September and early October.

17. Both men and women of the faith travel abroad. Between 1981 and 1990, approximately 45 per cent of their total number were granted passports. During 1990 and 1991, about 129 passports were issued, 61 to males and 68 to females.

18. Only two members of the faith are currently held in prison, having received a six and a half year judicial sentence effective from their date of detention.

19. Syrian citizens may live wherever they wish, without restriction. The members of the Jewish faith have continued to live in the Jewish quarter at Damascus, where they feel they can easily practise their religious rites, where they have their own schools and where they can buy meat slaughtered according to Judaic law. A number live outside the Jewish quarter, such as:

- David Albert Hanunu, who lives in the Qisa' district, on the first floor of the Katib Building, in a privately owned home situated on plot no. 385/5;

- Shama'a Khudr Lawz, who lives in the Qisa' district, on the third floor of the Ghattas and Khouri Building, in a privately owned home situated on plot no. 61/6;

- Fu'ad Yusuf Sa'adya, who lives in the Bab Tuma district, (behind the Family Club) in the Muhaish Building situated on plot no. 236;

- Faraj Ahu Liyab Khalifa, who lives in the Bab Tuma district (French Hospital area), in the Badin Building, in a privately owned home situated on plot no. 335.

20. Syrian citizens of the Jewish faith enjoy their political rights and participate in elections to the presidency of the Republic, the People's Assembly, provincial councils and trade unions. They exercise these rights continuously and without restriction. On 2 January 1991, and with as much enthusiasm as other Syrian citizens, the members of the Jewish faith took part in the referendum on a new constitutional term of office for the President of the Republic. Three days prior to the referendum, they marched in their thousands to express their loyalty and support for the nomination of President Hafez al-Assad for a new constitutional term. Headed by Ibrahim Hamra, Chief Rabbi and leader of the Jewish community, and members of the Jewish Council, they marched through the main streets of Damascus carrying banners of support written in Arabic, English and Hebrew. During the march, the Chief Rabbi made a statement in which he said:

> 'President Hafez al-Assad is the symbol of national unity, and the Jews of Syria have benefited from the many achievements made during the era of President al-Assad. The Syrian Jews will say yes to President al-Assad on the day of the referendum, as he has given us a lot and we can never do enough for him.'

21. The British Broadcasting Corporation, Reuters and the French Press Agency were among the media which carried reports of the march. Once the results of the referendum had been announced, a delegation of prominent

Syrian-American Jews visited the embassy of the Syrian Arab Republic in Washington, on 4 December 1991, to convey congratulations from the Syrian-American Jews in Brooklyn, New York, on the election of President Hafez al-Assad for a new constitutional term. The delegation of Syrian-American Jews denounced the demonstrations recently staged by some Jews outside Syrian embassies in a number of European countries, and made clear its lack of support for such demonstrations, which served only to further Israel's political goals.

22. On the twenty-first anniversary of the Corrective Movement, which was led by President Hafez al-Assad in 1970 and is annually celebrated on 16 November, the President received a telegram of congratulations from Ibrahim Hamra, the Chief Rabbi, on behalf of the Religious Council of the Jewish community in Damascus, commending the wisdom and leadership of the President and the generous manner in which the Corrective Movement had treated all sects and religions. The President also received similar letters of congratulation from the Religious Council of the Jewish communities in both Aleppo and Qamishli.

23. In addition to the foregoing, we would also like to point out the following:

(a) In Syria, there is no so-called Jewish problem or Jewish question, despite all the politically-motivated campaigns in this regard.

(b) In Syria, there is no discrimination or distinction in treatment between citizens on the basis of religion or belief. The law applies to all citizens alike, irrespective of their denomination or creed.

(c) Syrian citizens of the Jewish faith are Syrians first and last, and the Syrian Arab Republic will not promulgate legislation granting them special privileges that are not enjoyed by other Syrian citizens.

(d) The Syrian authorities are always eager to ensure that citizens do not leave the country to emigrate abroad. Restrictions and specific procedures are imposed on all Syrian citizens who wish to travel abroad, regardless of their religious or confessional beliefs. There are no restrictions on the freedom of movement of Syrian citizens of the Jewish faith or on Jewish girls travelling abroad in order to marry, even though the percentage of males is higher than that of females.

(e) Syrian citizens of the Jewish faith enjoy a manifestly high standard of living, and they are all provided with ample opportunities for employment and economic activity.

(f) There is no discriminatory entry on the personal documents of Syrian citizens, such as identity cards and passports, since the holder's religion is not specified on any such documents.

(g) The Constitution endeavours to protect personal property and ensure that it is not expropriated. The competent authorities have never confiscated and subsequently given to others any home belonging to a member of the Jewish faith.

(h) There is no restriction on the admission of students of the Jewish faith into Syrian universities. Many of them are currently pursuing higher studies in foreign institutes and universities in all fields of specialization.

(i) Members of the Jewish faith are obliged to perform compulsory military service. They are not exempt, although their enlistment is deferred, in the light of the numerous applications for deferral that they have made to the competent authorities, by reason of the small size of their community and in order to enable them to support their families.

(j) No member of the Jewish community has been subjected to administrative or arbitrary detention, and there have been no instances of enforced or involuntary disappearance. No member of the community has been subjected to torture during detention, while any member against whom a judicial sentence is handed down is permitted to receive periodic visits from his relatives and enjoys good, healthy conditions of detention."

Ukraine

65. In a communication sent on 9 October 1992 addressed to the Government of Ukraine, the following was transmitted by the Special Rapporteur:

"According to the information received, the cathedral of the Ukranian Orthodox Church, which is under the authority of the Russian Orthodox Church, was seized in Lutsk on 16 August 1992. It has been reported that on 12 August 1992, the Ukrainian Autocephalous Orthodox Church addressed a petition to the Regional Representative of the President, Mr. Yuri Lernartovich, requesting to become the keeper of the cathedral in Lutsk and its grounds although this cathedral had never been in its possession previously. It has been alleged that the aforementioned official granted the Ukrainian Autocephalous Orthodox Church control of this property, which reportedly belongs to the Ukrainian Orthodox Church, without previously conducting an inquiry to determine its legal ownership.

According to the sources, the cathedral of Lutsk was taken by force in the night of 16 August 1992 and numerous members of the Ukrainian Orthodox clergy, seminary students and members of the laity, who were keeping a prayer vigil in the cathedral courtyard in order to defend it, were reportedly attacked and beaten. It has been reported that local representatives of the Ukrainian Congress, Mr. Gennadi Gennadivich Kozhevnikov and Mr. Alexander V. Gordidima, had organized a public rally which resulted in the storming of the church property. According to the allegations received, the gate of the cathedral property was opened forcibly and the Ukrainian Orthodox Bishop of Lutsk and Volynia, Bartholomei, was ordered to hand over the keys, which he refused. It was reported that the padlock on the cathedral door was subsequently cut and the people inside beaten with sticks and steel pipes. It has been alleged further that the cathedral, the diocese offices, the seminary, including medical aid, evangelical materials and a desktop publishing system, as well as all private and personal property were also seized on that occasion.

In addition, it has been reported that the police were present but did not intervene in the course of this incident and that the injured persons were denied medical treatment at the Lutsk city hospital, presumably for fear of government reprisal."

United States of America

66. On 8 November 1991 the Special Rapporteur sent the following information to the Government of the United States of America under annex III (E/CN.4/1992/52, para. 74):

"The Special Rapporteur was not able to establish beyond doubt whether Mr. LaRouche's association can be considered as falling under the terms of the Declaration on the Eliminaton of All Forms of Intolerance and of Discrimination Based on Religion or Belief. He nevertheless felt obliged to ask the Government of the United States of America to provide him with comments and observations thereon, since the allegations have been submitted to him with specific reference to the Declaration.

According to the information received, United States citizen Mr. Lyndon H. LaRouche is reported to have been subjected to harassment, investigation and prosecution solely because of his beliefs. Mr. LaRouche, who is said to be the founder and leader of a metaphysical association whose beliefs are reportedly centered on the right of all peoples to development and economic justice, was indicted on 14 October 1988 and charged with 'conspiracy to commit fraud', 'mail fraud' and 'conspiracy to defraud the Internal Revenue Service'. On 27 January 1989 he was reportedly sentenced to five years' imprisonment on each charge, amounting to a sentence of 15 years in prison, by the United States District Court for the Eastern District of Virginia, Alexandria Division. Mr. LaRouche's trial is said to have been unfair and conducted in disregard for guarantees necessary for the defence. Exclusion of evidence has also been reported in this connection as well as the passing of an excessive sentence for crimes which are usually said to be regarded as minor civil or administrative infractions. On 22 January 1990 Mr. LaRouche's appeal of sentence was denied by the Fourth Circuit Court of Appeals which upheld the ruling of the District Court of Alexandria. It has been alleged that about 50 persons have so far been indicted because of their links with Mr. LaRouche's association and it has been reported that they, too, have had unfair trials.

According to the sources, Mr. LaRouche's beliefs have reportedly also resulted in the seizure and closing down of five publishing companies whose publications had disseminated the ideas of his association."

67. On 24 March 1992, the Government of the United States of America sent its comments to the Special Rapporteur regarding the above-mentionned communication:

"The Government of the United States refers to paragraph 74 of the report entitled "Implementation of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief" (E/CN.4/1992/52, dated 18 December 1991) and offers the following response

regarding the case of Lyndon LaRouche, who is alleged in the above paragraphs to have been subjected to violation of his human rights because of his beliefs.

The paragraph noted that a complaint had been received by the Special Rapporteur on religious intolerance that Mr. LaRouche had been subjected to harassment, investigation, and prosecution solely because of his beliefs. The paragraph further noted that the Special Rapporteur was not able to establish beyond doubt whether Mr. LaRouche's case could be considered as falling under the terms of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion and Belief. The Government of the United States believes that the following information will make it clear to the Special Rapporteur that Mr. LaRouche has not been subjected to any form of intolerance or discrimination based on religion or belief but has, instead, been given due process under the laws of the United States for criminal violations of those laws.

On 16 December 1988, Mr. LaRouche and six of his associates were convicted in Federal District Court in Alexandria, Virginia, on various counts of mail fraud and conspiracy to commit mail fraud in violation of United States Federal Statutes. In addition, Mr. LaRouche was convicted of conspiracy to defraud the United States internal revenue service. The defendants received sentences varying from 3 to 15 years. Mr. LaRouche was sentenced to a term of 5 years on each of 13 counts of conviction, with various counts ordered to run concurrently, so that his total sentence of incarceration was 15 years.

Those convictions, and other proceedings against members of Mr. LaRouche's organization, resulted from fraudulent fund-raising activities conducted by Mr. LaRouche and his supporters to finance his presidential candidacies and other political activities.

On 22 January 1990, the United States Court of Appeals for the fourth circuit affirmed the conviction of Mr. LaRouche and the other defendants, specifically rejecting their contentions concerning the lack of an impartial jury and other procedural improprieties that had allegedly denied them a fair trial. (United States v. LaRouche, 896 F.2D 814 (4th. Cir. 1990)).

The United States Supreme Court declined to review that decision on 11 June 1990. (LaRouche v. United States, No. 89-1785, 58 U.S.L.W. 3782 (12 June 1990)).

In each of these proceedings, Mr. LaRouche and his co-defendents were represented by counsel of their own choosing and had ample opportunity to defend their rights in court.

Mr. LaRouche was the founder and chair of the National Caucus of Labor Committees (NCLC) and the now-defunct United States Labor Party. He was also a candidate for President of the United States in 1980, 1984 and 1988. The NCLC (also known as the "Larouche Organization") supported various political candidates and initiatives, had offices throughout the country and carried out many of its activities through commercial corporations and political committees. One of its principal activities was to raise funds from private

citizens to support those activities, by obtaining voluntary contributions, selling literature and borrowing from individuals (especially through telephone solicitation, use of the mails, and credit cards). All of the individuals convicted along with Mr. LaRouche were directly involved in these fund-raising activities.

Beginning in 1983, at Mr. LaRouche's personal direction, the NCLC resorted to increasingly aggressive and illegal fund-raising tactics, including schemes to obtain money by fraudulent pretences. In particular, it was proved at trial that donors were asked to loan money to the organization with the promise of repayment at specific times and with specific rates of interest, when in fact defendants knew that the loans would not be repaid in the manner promised and had no intention of honoring their promissory notes and letters of indebtedness. Many lenders lost significant amounts of money, some their life savings. Moreover, the organization engaged in credit card fraud. It obtained credit card account numbers from private individuals who offered donations or purchased subscriptions to LaRouche publications, and then made fraudulent billings against those accounts without the individuals' knowledge or consent. These activities, together with Mr. LaRouche's failure to file income tax returns and his efforts to mislead and obstruct the United States internal revenue service, were the basis of investigation and prosecution by a number of state and federal authorities.

A federal grand jury initially issued an indictment against the LaRouche Organization in Boston, Massachusetts, on 6 October 1986; a second superseding indictment naming Mr. LaRouche and various of his colleagues, was issued in July 1987. The charges included credit card fraud and obtaining fraudulent loans, as well as conspiracy to obstruct justice. Trial began in Boston in December 1987, and continued for four months but was terminated when the presiding judge declared a "mistrial" due to "severe hardships" that would be suffered by several of the jurors if the trial had continued.

Retrial in Boston was set for January 1989, but in October 1988, Mr. LaRouche and his colleagues were separately indicted by a federal grand jury sitting in the Eastern District of Virginia on similar grounds including mail fraud, conspiracy to commit mail fraud, and conspiracy to obstruct income tax collection. At trial, a number of defrauded investors as well as several of Mr. LaRouche's former associates testified; by their own choice, none of the defendants took the stand. On 16 December 1988, the jury returned verdicts of guilty on all of the counts with which the defendants had been charged. As noted above, that conviction has been affirmed by the Court of Appeals, and the Supreme Court has declined to review it further.

The Government of the United States categorically denies the allegations that have been made to the Special Rapporteur on religious intolerance and notes that the prosecution of those who engage in criminal fraud is a fully legitimate exercise of a Government's authority to enforce its own laws. The United States further notes that, even though he is incarcerated at the federal correctional institution in Rochester, Minnesota, Mr. LaRouche has continued his political activities, publishing his writings and, in 1990, running as a candidate for the House of Representatives in the United States Congress."

Viet Nam

68. In a communication sent on 10 August 1992 addressed to the Government of Viet Nam, the following was transmitted by the Special Rapporteur:

"According to the information received, the practice of religion in Viet Nam is subjected to severe restrictions. It has been reported that no one can openly practise religion as a priest or minister without the Government's approval of candidates for ordination and enrolment in seminaries. Restrictions in the exercise of religious freedoms are said to have affected the holding of religious services, gatherings and retreats, religious education and the publication of religious materials. It has also been reported that sermons are subjected to Government approval and that any type of proselytizing is prohibited. The Government has allegedly made attempts to unify religious groups by establishing state-sponsored religious associations such as the Committee for the Solidarity of Patriotic Vietnamese Catholics, the Union of Patriotic Priests, the Protestant Association and the Viet Nam Buddhist Church, the only officially recognized Buddhist organization.

It has been alleged that growing numbers of clergy as well as religious activists have been imprisoned since 1989 because of their religious beliefs. It has also been reported that the Government had launched a particularly intensive campaign against religious leaders between April and September 1990.

A new decree on the regulation of religious activities passed in May 1991 reportedly stipulates that any nominations to religious office, travel abroad by members of the Vietnamese clergy and visits to Viet Nam by representatives of foreign religious organizations must be approved by the Government. The same decree is said to apply to the holding of religious meetings such as regional and national conferences and the opening of religious schools and seminaries. Catholic priests, nuns and lay persons reportedly may be assigned by the authorities to religious functions and duties at the local level without prior consultation with the Roman Catholic church hierarchy.

In addition, the Special Rapporteur has been informed that numerous members of the clergy belonging to various religious denominations have been imprisoned since 1975. This is said to particularly be the case with Roman Catholic priests and Buddhist monks as well as Protestant pastors, who are said to have been persecuted systematically and placed in arbitrary detention for prolonged periods as political prisoners in re-education and labour camps. Military chaplains allegedly were also sent to such camps after 1975, at a time when all foreign missionaries were expelled from the country, numerous places of worship and religious presses closed and religious property confiscated. Large numbers of religious schools, seminaries, hospitals and orphanages were reportedly also closed or nationalized, as was the case with the Evangelical Nha Trang Seminary.

It is believed that at least 40 re-education and labour camps were in existence at the beginning of 1990 and that at least 60 prisoners of conscience are detained in Viet Nam on account of their religious beliefs. The conditions prevailing in such camps have been described as extremely harsh, including hard labour, torture and inhuman treatment, lack of food

resulting in malnutrition, illness and lengthy indoctrination sessions. For example, Buddhist monk Yoshida Ganshin is said to have lost the use of his legs after 13 years of incarceration in a re-education camp where he was subjected to electric shock torture.

It has further been alleged that prisoners who are ill and unable to work are not allowed to eat normal rations since their working capacity is diminished. Handicapped persons who work less are said to be also forced to eat less. For instance, they are allegedly allowed only 12 kilograms of rice per month instead of the subsistence ration of 15 kilograms of rice which most prisoners are said to receive. It has also been alleged that many prisoners are not allowed to receive packages of food sent by their families.

According to the sources, the aforementioned prisoners of conscience are mixed with common criminals in some cases. In many instances, no doctors or medicines are allegedly available for the prisoners who are forced to resort to the use of traditional medicines such as herbs and roots, when they are available. As a result of the above, inmates are said to die at the rate of 10 to 15 per cent a year.

According to the information received, numerous priests and religious believers as well as persons who are said to have been critical of the church hierarchy and the Government, are currently alleged to be detained in a type of administrative detention which does not involve a formal trial or sentencing. The majority of these persons is reportedly detained in labour and re-education camps. The situation of a number of these persons has been summarized as follows:

Cases involving Protestant clergy and religious believers:

Rev. Tran Dinh Ai, the leader of a house church movement in southern Viet Nam, was arrested on 27 February 1991, allegedly because of his contacts with the overseas Pentecostal church. Rev. Ai was reportedly sentenced to three years of administrative detention, without going on trial or being convicted. He is said to have initially been detained at Phan-dinh-Luu prison in Ho Chi Minh City and was not allowed to receive family visits for four months. In November, he was moved to a labour camp in Song Be province and is reported to be suffering from severe headaches, back pain and a liver infection.

Pastor R'Mah Boi, a young Christian leader in the highland districts of Chu Pa, Gia Lai, and Kontum, belongs to the Jerai minority. He was arrested in August 1989 reportedly for organizing a working party of about 200 tribesmen of Christian faith to help 2 tribal elders who had been ordered by officials to harvest a large rice field when they were caught holding house church meetings. Pastor Boi is said to have been detained and imprisoned on the basis of Administrative Law No. 135. He has reportedly not been formally tried or convicted and is believed to be in arbitrary detention at prison camp A-20 in Dong Xuan, Phu Yen province.

Pastor Vo Minh Hung, a minister from Pleiku, is said to have been arrested for the third time in December 1989 during a house church meeting in his home. He was reportedly detained for the first time for 1 week and the

second time for 3 months (first 7 days for interrogation and re-education). Pastor Hung, who has not been formally tried or convicted, is believed to be held in administrative detention at the re-education/labour camp A-20 in Dong Xuan, in Phu Yen province.

Pastor Rmah Loan, a minister belonging to the Mnong minority, was in charge of 14 house church congregations in the Darlac region. He was arrested in June 1991 for unknown reasons and is believed to be held in administrative detention at a prison at Banmethuot, Darlac province, reportedly without formal trial or conviction.

Pastor Tran The Thien Phuoc, the leader of a house church in Ho Chi Minh City, was arrested in November 1989 while on his way to a meeting with other Christians and was allegedly charged with "disturbing the peace". He has lived in Cay Truong II, Ben Cat, Song Be province. Pastor Phuoc is reportedly detained in a re-education/labour camp for the third time, and is serving a three-year administrative detention sentence at a camp near Tong Le Chan, Song Be province, although he has never been formally tried or convicted.

Pastor Ya Tiem, a minister belonging to the Koho minority from the highlands, was arrested in June 1991 for unknown reasons. He is believed to be held in administrative detention in a prison in Dalat, Lam Dong province, although he has reportedly not been formally tried or convicted.

Rev. Dinh Thien Tu, the minister of the largest independent house church movement in Viet Nam which reportedly comprises several thousand worshippers, was arrested on 22 February 1991 in Ho Chi Minh City, shortly before midday, allegedly for operating a social work programme without the approval of the Government and for alleged unauthorized contacts with foreign Christian groups. The arrest warrant, presented to his wife in the afternoon, allegedly charged him with 'using religion as a pretext for disturbing the peace'. His house was searched and documents were confiscated. He is believed to be under a three-year administrative detention sentence, although he has not been formally tried or convicted. According to the information received, Rev. Tu was initially detained at the Phan-dinh-Luu prison, Gia Dinh, in Ho Chi Minh City and was not allowed to receive family visits for four months. He is believed to have been moved at the end of November 1991 to a labour camp in the Song Be province. Rev. Tu, who has been accused of 'teaching false theories and not observing the rules and regulations of the church', was reportedly suspended from all pastoral duties and evicted from the church parsonage.

Pastor Tran Xuan Tu, a minister from Vo Dat, The Duc Linh district of Thuan Hai province, is said to have been forced to remove the cross from his house church, which was subsequently occupied by the authorities. He was initially arrested in 1985 during a house church meeting held in his home and reportedly served a three-year administrative detention sentence at a re-education/labour camp in Vo Dat. In 1988, he is believed to have been given an additional three-year administrative detention sentence at the same camp in Vo Dat.

Ha Hak, a minister belonging to the Koho highlands minority, is reported to have been imprisoned in December 1991.

Tran Mai, the leader of a house church in southern Viet Nam who is in his mid-thirties, was arrested in Ho Chi Minh City on 31 October 1991 and alleged to have been charged with 'using religious activities to fight the Government'. He is reportedly serving a three-year administrative detention sentence in a labour camp at Tong Le Chan, Song Be province. According to the sources, he has not been formally tried or convicted.

Ha Wan, a minister belonging to the Koho minority, has reportedly been detained in a prison in Dam Dong province since December 1991.

Rev. Nguyen Ngoc Anh, has been detained since December 1989, allegedly without having been formally tried or convicted. He is said to have been beaten on several occasions.

Rev. Dang Van Sung, who served as missionary with the Xtieng tribal minority, has reportedly been detained since 1975 in the Phuoc Long district. No news of him has been received since that time.

Pastor Nguyen Chu and Pastor A Uot were reportedly arrested between 1989 and 1990 and are reportedly detained without trial.

Pastors Phan Quang Thieu, Le Quang Trung, Vu Minx Xuan and Hoang Van Phung are alleged to have been arrested in 1991,in Ho Chi Minh City and in the central highlands on charges of, inter alia, 'pursuing religious activities without permission', and are reportedly detained on the basis of a People's Committee administrative order.

Pastor Ai Nguyen has reportedly also been arrested for preaching without a licence and is said to have been sentenced to nine years of imprisonment in a labour camp.

Mr Minh and Mr Son, Christian elders, held meetings for the members of the closed Than My church. According to the information received, they were arrested in April 1990 at Don Duong, near Dalat.

Mr Y De and Mr Y Thang, have been detained since 1989, reportedly for their religious activities.

Twenty-four Christians from the Jeh tribe have reportedly been imprisoned since the beginning of 1990 in Dak Lay, Gia Lai province.

Rev. Vo Xuan, a house church leader in southern Viet Nam, was allegedly taken into custody on 4 December 1989 for meeting with other Christians and was charged with 'disturbing the peace'. Shortly before his detention, he reportedly baptized several persons. Rev. Xuan reportedly refused to sign a false confession and was held in administrative detention in a security prison in Thuan Hai province, without being allowed to receive family visits for four months, until April 1990. He is reported not to have been formally tried or convicted and was released in December 1991. According to the sources, Rev. Xuan had previously spent 13 years in a re-education camp until April 1987 because he used to be a military chaplain in the South Vietnamese army.

Phu Anh, aged 40, was arrested in early August 1991 in Hue, allegedly on charges of distributing contraband Bibles and other religious literature. He is said to have been held in administrative detention in Danang and was reportedly released on 20 November. He is still thought to be under police investigation.

Vo Van Lac, the leader of a house church in southern Viet Nam, is said to have been taken into police custody in June 1991 and questioned with regard to his relations with foreign Christian organizations. He was released in July 1991 and is still believed to be under police surveillance.

Bui Thanh Se, the leader of a house church in southern Viet Nam, was arrested in late June 1991, reportedly on suspicion of having links with foreign Christian organizations. He was released in July but is reported to be under 'close police surveillance'.

Cases involving Roman Catholic clergy and religious believers:

Tran Ba Loc, has been detained in a re-education camp at Nhu Xuan, Thanh Hoa, since 1975, reportedly without having been formally tried or convicted. It is believed that he has served as a military chaplain in the South Vietnamese army.

Nguyen Khac Nghieu, was arrested in 1975 and is reportedly detained at the 80A, TD63/TP re-education camp at Nhu Xuan, Thanh Hoa province. He is believed not to have been formally tried or convicted.

Nguyen Thai Sanh, a former military chaplain, was arrested in 1975 and is believed to be detained in a re-education camp in Thanh Hoa province. He is reported not to have been formally tried or convicted.

(Thadeus) Nguyen Van Ly, aged 45, is the former priest of the Doc So parish, near Hue. He is said to have been arrested in 1983 and tried at the Hue Peoples' Court, on charges of 'opposing the revolution and attempting to destroy the people's unity'. He was reportedly sentenced to 10 years' imprisonment and is currently detained at the 'Three Stars' prison in Ha Nam Ninh province.

Nguyen Khac Chinh, a 69-year-old lawyer, belonged to a group of Catholic intellectuals in South Viet Nam before 1975. He was reportedly arrested on 27 December 1975 and has remained imprisoned in Trai Cai Tao Xuan Phuoc, Khu E, Doi 17A, Hom Tru, in Phu Khanh province. He is believed to have never been formally tried or convicted.

The following Roman Catholic monks and priests reportedly also continue to be imprisoned:

- Pham Ngoc Chi (Hiep)
- Paul Nguyen Chau Dat
- Luke Vo Son Ha
- Boniface Hong Thien Gian (Thinh)
- Mark Tran Khac Kinh
- John B Pham Ngoc Lien (Tri)

- John E Mai Huu Nghi
- Bernard Nguyen Thien Phung
- Michael Nguyen Minh Quan
- Quoc (Ban)
- Hilary Do Tri Tam (Thuyen)
- Thadeus Dinh Tri Thuc (Hieu)
- Stephen Chan Tin
- Dominic Tran Dinh Thu
- John Doan Phu Xuan
- Pius Vu Thanh Hai (Dat)
- Nguyen Ngoc Lan (former priest).

Father Nguyen Van De and Sister Nguyen Thi Nhi were reportedly arrested in August 1990 together with nine other Catholic leaders and charged with 'spreading propaganda aimed at falsely portraying Viet Nam's religious policy'. They were reportedly sentenced to between 2 and 10 years in prison.

Sister Tran Thbi Tri is also allegedly detained because of her religious beliefs.

Cases involving Buddhist monks:

The following Buddhist monks have allegedly been imprisoned, inter alia, on charges of engaging in 'activities aimed at overthrowing the people's Government'. Most of them are believed to be detained in re-education camps in the Phu Khanh, Dong Nai and Thuan Hai provinces:

- Thich Quang Do
- Thich Nguyen Giac
- Thich Duc Nhuan
- Thich Huyen Quang
- Thich Tri Sieu
- Thich Tue Sy
- Thich Thien Tan
- Thich Phuc Vien.

Cases involving members of the Cao Dai and Hoa Hao sects:

According to the information received, 3,500 members of the Cao Dai indigenous Vietnamese religious sect were arrested in Tay Ninh province in June 1990 and charged with 'harbouring reactionary and counter-revolutionary troops'. An additional 1,000 Cao Dai believers were reportedly arrested in the same province two months later. It has also been alleged that members of the Hoa Hao indigenous sect have also been persecuted."

## The former Yugoslavia

69. The Special Rapporteur has been attentive to the very serious situation reflecting grave acts of violence perpetrated against several religious communities in the territory of the former Yugoslavia, in particular in Bosnia and Herzegovina. In this connection, the Special Rapporteur wishes to draw attention to the report of the Special Rapporteur of the Commission on

Human Rights on the situation of human rights in the territory of the former Yugoslavia to the General Assembly at its forty-seventh session (A/47/666, S/24809) which states in paragraph 146:

> "The conflict in Bosnia and Herzegovina is not a religious conflict, but one which is fomented by certain nationalist groups and parties in order to further their own political and material interests."

However, in paragraph 26, the Special Rapporteur states:

> "During the present conflict many mosques, churches and other religious sites, including cemeteries and monasteries, have been destroyed or profaned. All faiths have suffered such damage, including Muslims, Catholics, Orthodox Christians, Protestant denominations and the Jewish community. On his travels throughout the country, the Special Rapporteur was particularly distressed by the systematic destruction and profanation of mosques and Catholic churches in areas currently or previously under Serbian control. The systematic destruction of such holy sites suggests a deliberate effort not only to expel the Muslim and Catholic population, but also to erase the traces of their presence. The religious leader of the Muslims of Sarajevo indicated that the number of mosques destroyed was in the hundreds. In the diocese of Banja Luka alone Catholic sources provided the Special Rapporteur with a list of 12 churches which were completely destroyed, adding that 25 other churches had been wantonly damaged."

In paragraph 71 of his report, the Special Rapporteur states:

> "Serbian Orthodox clergy based in Zagreb reported several incidients of the destruction of church property in the Republic of Croatia."

70. Given the complexity of the situation and the appointment of a Special Rapporteur mandated specifically to deal with the matter, no concrete allegations were communicated to Governments. The Special Rapporteur intends, however, to follow this situation closely and take up with the Governments concerned specific incidents and cases should more precise and concrete information become available. In this regard, he will cooperate closely with the Special Rapporteur on the human rights situation in the territory of the former Yugoslavia.

## III. CONCLUSIONS AND RECOMMENDATIONS

71. For the seventh consecutive year, the Special Rapporteur has examined, under the mandate entrusted to him by the Commission on Human Rights, incidents and governmental measures reported to be inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. He has once again been particularly gratified by the confidence placed in him by the Commission which, at its forty-eighth session in 1992, extended his mandate for an additional three years, a privilege he shares with other Special Rapporteurs

on the thematic mandates of the Commission on Human Rights. The Special Rapporteur is also pleased to note the sustained interest and trust of the States members of the Commission in his mandate.

72. In the course of the present reporting period, the Special Rapporteur has continued to receive allegations concerning the violation of the rights and freedoms set out in the Declaration and has continued to gather information about the factors hampering its implementation. In keeping with the constructive dialogue he has established with Governments over the years, he has continued to seek clarifications on specific incidents or cases which concern them and considers the spirit of cooperation shown by the Governments in the implementation of his mandate to be very encouraging. He was also gratified by the interest and openness shown by a number of Governments concerning issues within his frame of reference and their willingness to find solutions to them.

73. The Special Rapporteur was also very pleased and grateful to note the continued cooperation extended to him by non-governmental organizations during the period under review. The detailed information they have provided has been of considerable assistance to him in carrying out his mandate. The information gathered by the Special Rapporteur attests to the continued interest on the part of the international community in problems of religious intolerance and discrimination and the genuine efforts of many Governments to restrict them. As the Special Rapporteur pointed out in his report to the Commission on Human Rights at its forty-seventh session, "My role is not to make accusations or value judgements, but to help arrive at a better understanding of the circumstances surrounding (religious) intolerance and discrimination ... to mobilize international public opinion and to establish a dialogue with the Governments and all other parties concerned."

74. During the period covered by this report, the Special Rapporteur has continued to receive allegations of infringements in most regions of the world of the rights and freedoms contained in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Practices of religious intolerance have continued to occur in countries with varying degrees of development and different political and social systems and have not been confined to a particular faith. The majority of allegations point to the violation of the right to have the religion or belief of one's choice, the right to change one's religion or belief, the right to manifest and practise one's religion in public and in private, the right to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief and the right not to be subjected to discrimination on these grounds by any State, institution or group of persons.

75. As the Special Rapporteur has already indicated in his previous reports, the infringement of the rights mentioned above jeopardizes the enjoyment of other fundamental rights and freedoms enshrined both in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as other human rights instruments. During the period under review, violations of the Declaration's provisions have had a negative bearing on the right to life, the right to physical integrity and to liberty and security of the person, the right to freedom of expression, the right not to be subjected to torture and other

cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested and detained. The Special Rapporteur has noted that the rights of persons belonging to religious minorities have been particularly affected in this regard in countries with an official or clearly predominant majority religion.

76. Acts of religious intolerance and discrimination have continued to be characterized in many instances by violence or the threat of its use. In most cases, they have encompassed the prohibition and repression of external manifestations relating to a particular religion. On the other hand, there have also been instances of the admission only of external manifestations of one's faith as is the case with Buddhists in Tibet, who are allowed to show their religious faith externally through prostration, the flying of prayer flags and spinning of prayer wheels, but whose monastic life has been curbed to a large extent. Confrontations between followers of different faiths have continued, as have physical and mental persecution. Repressive measures have continued to be applied for belonging to a specific faith such as extrajudicial killings, arbitrary imprisonment, enforced disappearance and abduction. Persons who have converted to another, especially minority, religion are still severely punished in some countries. The Special Rapporteur has found, however, that the motivations for such behaviour have on occasion been of an economic nature. In others, mandatory religious instruction has been given to persons not belonging to the faith being taught.

77. The Special Rapporteur has also noted a continuation in the application of administrative sanctions against members of certain faiths such as confiscation of property, denial of access to education and employment, exclusion from public service and the denial of salaries and pensions. Certain legal guarantees such as the right to a fair trial in conformity with international standards and the right of legal recourse have also continued to be denied in a number of countries. Members of clergy belonging to various denominations have continued to receive death threats and have been subjected to intimidation directed against them as a result of the community work performed in parallel with their religious functions.

78. This year again, the Special Rapporteur has been preoccupied by the reports of acts of religious intolerance and discrimination by groups of private individuals during which little or no intervention on the part of the security forces took place. He was also alarmed by allegations that the armed forces or members of the security apparatus actually participated in such activities in a number of cases. The Special Rapporteur has once again noted how difficult it is to curb or eradicate the propagation of extremist and fanatical opinions and overcome the distrust opposing members of certain denominations. Although the phenomena of religious discrimination and intolerance are often caused by a variety of economic, social, political or cultural factors deriving from complex historical processes, they are frequently the result of sectarian or dogmatic intransigence. In view of their adverse effect on the stability of international relations, the Special Rapporteur is of the opinion that States should be vigilant in this regard and make determined efforts to combat religious discrimination and intolerance at all levels.

79. The Special Rapporteur has noted, for example, that the reward for the killing of Mr. Salman Rushdie, the author of The Satanic Verses, in pursuance of the religious ruling (fatwa) which had been issued against him, has been increased, a concern which is also shared by the Special Representative of the Commission on Human Rights on the human rights situation in the Islamic Republic of Iran. Countries which are parties to the International Covenants on Human Rights are obliged to respect the freedom of thought, conscience, religion and belief of all persons. Since the Islamic Republic of Iran is a party to both Covenants, the Special Rapporteur would like to recall article 6 of the International Covenant on Civil and Political Rights and emphasize that a decision which has not been issued by an independent tribunal where the accused would be entitled to defend himself with the assistance of legal counsel, to call witnesses and to exercise the right of appeal cannot be accepted. Offering a reward for the killing of such a person constitutes an incitement to crime and a call to religious hatred which is liable to legal prosecution in all countries where the rule of law prevails.

80. The Special Rapporteur has also been preoccupied by the periodic eruption of religious antagonism in certain parts of the world such as that which has occurred in northern Nigeria and Egypt between the Muslim and Christian communities, causing numerous casualties including the death of a well-known writer. In his report to the Commission on Human Rights at its forty-eighth session (E/CN.4/1992/52, paras. 47 and 48), the Special Rapporteur mentioned the situation concerning the sixteenth century Babri mosque in Ayodya, India. He deplores its destruction by Hindu militants at the beginning of December 1992 which had resulted in more than 1,000 deaths at the time the present report was being finalized. This unfortunate development has also given rise to the demolishing of Hindu temples in retaliation for this act as well as to violent outbursts of religious intolerance both in India and in a number of neighbouring and other countries. The Special Rapporteur has also been preoccupied by allegations of systematic violations of a wide range of the human rights of members of the Muslim community in Myanmar.

81. The Special Rapporteur has also been preoccupied by the recent modification of the Pakistan Penal Code which under section 295 C stipulates that the application of the death penalty is now mandatory for persons who have been convicted of defiling the name of the holy Prophet. In the case of certain religious minorities, this offence may reportedly be invoked for the mere peaceful expression of their religious beliefs. An additional disquieting development in Pakistan has been the mandatory mention of religion on identity cards as of 13 October 1992 which is feared to entail an increase in discrimination against members of minority religions.

82. In addition, the Special Rapporteur has noted that property claims by a number of churches in Eastern European countries such as Romania and the Ukraine have remained unresolved even after the nominal modification of relevant laws following the change of regime in the countries concerned. He has also noted the deterioration of the situation of members of certain religious communities in a number of countries or parts of countries, even when they do not necessarily constitute a minority, as is the case with the Shia religious community in Iraq and the members of the Christian and animist religions in southern Sudan.

83. The Special Rapporteur has also given attention to the very serious situation which has developed in the territory of the former Yugoslavia. Although the conflict in the former Yugoslavia is not a religious one but opposes different national and ethnic groups, the religious and cultural monuments and sites of all three principally represented religions - Muslim, Christian Orthodox and Christian Catholic - have suffered serious damage and destruction by extremist forces. Such wanton destruction appears to be part of the policy of certain groups aimed at eradicating the religious and cultural base of ethnic communities living in a given area in order to encourage their departure and prevent their eventual return. It should be pointed out that Muslims have suffered most as a result of such practices. The leaders of all three religious communities should intensify joint efforts and be more assertive in trying to stimulate mutual tolerance.

84. Despite the persistence and emerging of the negative trends mentioned above, the Special Rapporteur was pleased to note the improvement in relations between members of different religions in a number of countries. The positive developments in the sphere of religious freedom which have taken place in recent years in the countries of Eastern Europe have continued to be affirmed. The Special Rapporteur was particularly satisfied to note the holding of an international seminar on the freedom of conscience which was organized by the Government of Albania as well as a seminar on the same subject organized by the Council of Europe at the University of Leiden. Although the most recent developments seem to show a reversal of the trend, he was also gratified to note the improvement in the situation of the Jewish community in the Syrian Arab Republic, the members of which are now allowed to travel freely.

85. The Special Rapporteur is also pleased to note the efforts aimed at establishing a dialogue and creating greater understanding between different faiths such as those between the Catholic and Jewish communities in Spain and the recent establishment of diplomatic relations between the Holy See and Israel. He is also gratified by the recent efforts made by the heads of the different denominations and faiths represented in the territory of the former Yugoslavia to help find a joint solution to the ongoing conflict. The Special Rapporteur expresses the hope that similar efforts will continue to be made throughout the world, at a time of transition for numerous societies.

86. The Special Rapporteur has taken due note of Commission resolution 1992/59 requesting all representatives of United Nations human rights bodies to continue to take urgent steps, in conformity with their mandates, to prevent acts of intimidation or reprisal against those who cooperate or seek to cooperate with United Nations human rights bodies. During the period under review, however, no specific incidents or cases falling within the purview of resolution 1992/59 were reported to the Special Rapporteur.

87. On the basis of the foregoing observations, the Special Rapporteur remains convinced that the maintenance of inter-faith dialogue is of utmost importance in overcoming sectarian and intransigent attitudes and enhancing religious tolerance the world over. The prerequisite for the establishment of a favourable climate which would be conducive to such a dialogue and understanding remains the rule of law and the functioning of democratic institutions. The respect of the rights and freedoms enshrined in the 1981 Declaration on the Elimination of All Forms of Intolerance and of

Discrimination Based on Religion or Belief can only be achieved if due account is taken of the underlying complex factors which hamper the enjoyment of these rights, since sectarian and intransigent attitudes may often be linked to socio-economic and other inequalities. The further strengthening of democracy in many countries and the introduction of adjustments in the appropriate legal and constitutional framework can contribute to the creation of a new climate of religious harmony and tolerance.

88. As he has indicated in the report he presented to the Commission on Human Rights at its forty-eighth session, the Special Rapporteur was particularly pleased and encouraged by the number of Governments which, in responding to his questionnaire, expressed their readiness to receive technical and advisory assistance from the United Nations Centre for Human Rights. He invites all Governments which are faced with tensions of a religious nature to avail themselves of these services as they can only serve to strengthen the cooperation which many of them have already developed with United Nations human rights mechanisms.

89. The Special Rapporteur wishes to reiterate the recommendations he has already formulated in his previous reports, namely that States which have not already done so should ratify the relevant international human rights instruments and avail themselves of the machinery already available for monitoring their implementation. States should also continue actively to consider the usefulness of preparing a binding international instrument on the elimination of intolerance and discrimination based on religion or belief, in the light of the recommendations put forth by Mr. Theo van Boven, expert of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in his working paper (E/CN.4/Sub.2/1989/32) on the subject.

90. The Special Rapporteur is of the opinion that States ought constantly to monitor the climate which may engender violations of the rights enshrined in the Declaration as well as their own legislation with a view to detecting shortcomings and making the necessary changes by establishing the required constitutional and legal guarantees to protect these rights. Appropriate amendments should be introduced into existing constitutional and legal systems if they are inconsistent with the provisions of the Declaration.

91. States should also be more energetic in introducing effective administrative and judicial remedies available to victims of religious intolerance and discrimination that would be concerned with penalizing incidents arising from those phenomena. Conciliation arrangements and other mechanisms dealing with disputes arising from acts of religious intolerance ought to also be envisaged. In view of the fact that impunity contributes significantly to the persistence of human rights violations, national institutions to promote tolerance in matters of religion and belief should also be created.

92. The Special Rapporteur would like to reiterate the importance of disseminating the principles contained in the Declaration among lawmakers, judges, lawyers and civil servants in order to enable them actively to

contribute to the elimination of the root causes of religious intolerance. He would also like once again to emphasize the importance of promoting the ideals of tolerance and understanding in matters of religion and belief through education by introducing human rights standards in school and university curricula and through the training of the teaching staff. Finally, the Special Rapporteur wishes to emphasize the important role of media briefings and information seminars aimed at encouraging understanding and tolerance in matters of religion and belief and providing the broadest possible dissemination of the principles set out in the 1981 Declaration.

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